DEVELOPMENT OF A RISK ASSESSMENT INSTRUMENT TO BE USED IN BAIL

RELEASE DECISIONS IN MARICOPA COUNTY, ARIZONA

Institute for Court Management
Court Development Program
Phase III Project
May 2002

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ABSTRACT

The development of a comprehensive and valid instrument for the prediction of

risk to be used for making appropriate release decisions on newly arrested defendants is a

complex problem. Many studies have been conducted in an effort to develop instruments that

assist in determining risk variables for post-adjudicated defendants. Yet, little has been done to

incorporate the research conducted on the post-adjudicated population to test its validity in risk

prediction on a pre-adjudicated population.

In Maricopa County, Arizona the Pretrial Services Agency is charged with interviewing

all newly arrested defendants. Upon completion of the interview, they verify information self-

reported by the defendant and complete a comprehensive criminal history records check. The

Agency then completes a Bail Matrix Instrument which provides a broad range base

recommendation for the judicial officer. This information is then provided to the sitting Hearing

Officer, who uses it to assist in making a determination of an appropriate release decision. The

current Bail Matrix has been in place for approximately 14 years with minor modifications made

to it in 1991. In 1997, the Maricopa County Citizen's Advisory Committee on Jail Planning

recommended that the Maricopa County Board of Supervisors fund a study to review the current

guideline matrix used by the Pretrial Services Agency (PSA) "to determine whether the decision

factors used still have predictive capability."[1] In 1999, the Pretrial Services Resources Center

conducted a study on the bail matrix. The study concluded that the matrix was outdated and too

heavily reliant on weighting offense factors. They recommended an instrument that was

weighted on defendant behavioral factors with less weight given to offense related behavior.

The Resource Center developed a prototype instrument, which was viewed as too lenient by the

County Attorney and judicial officers in Maricopa County. The project was subsequently

shelved and the original outdated instrument is still in use today. In addition, Maricopa County is facing a jail over-crowding crisis, to include the largest incarcerated pretrial population in the history of their county jail. This has a significant impact on the current budget crisis and pretrial release is an instrumental component in helping to address these fiscal concerns.

The purpose of this project is to develop a bail classification instrument that can be used to assist judicial officers in predicting risk factors when releasing defendants during pre-adjudication proceedings. One objective is to determine whether risk factors determined in studies conducted on post-adjudicated defendants have relevance on the pre-adjudicated population. This would mean the inclusion of measurements of dynamic factors that deal with offender behavior. Furthermore, this would mean the development of an instrument that weights social behavior more heavily than offense behavior. Another objective of the project is to determine if Maricopa County has certain jurisdictional factors that should be used for weighting in a release instrument. The final objective would be to develop an instrument that could be tested in other jurisdictions for predictive value in determining release conditions. Other trial courts in other states would then be able to use this research paper as a reference tool in the development of a bail instrument for their respective jurisdictions.

Various methods were used to complete this project. A comprehensive study was conducted of the literature pertaining to risk/needs classification studies conducted on post-adjudicated populations. It was learned through these studies that a series of generational instruments had evolved. The most current assessments relying on those instruments containing both static and dynamic factors as having the most reliable predictive capability. Professionals supervising and monitoring post-adjudicated defendants have a wide variety of tools at their disposal to assist in assessing a defendant's risk while under supervision.

In 1999, a study was conducted by the Pretrial Services Resource Center which highlighted risk areas particular to the Maricopa County pre-adjudicated population that were relevant to a defendant's risk to appear and to re-offend while on release.

A new release instrument was devised for testing in Maricopa County for the purpose of this project. This instrument was sent for review to various pretrial professionals for input. Utilizing these collective recommendations a final instrument was developed.

The Pretrial Services Resource Center conducts a comprehensive evaluation of incarcerated defendants every two years. This study consists of a sample of 836 cases. Numerous variables of data are collected in an effort for the Center to evaluate the national and jurisdictional complexion of the arrested population. A copy of the data collected from the 1996 study was obtained and a random sample of 155 cases from that study were chosen for the purposes of this project. The case files were then ordered on all of those cases and the new instrument was scored from the data contained in each of those case files. A final sample of 123 cases were used as the basis for the findings of this study.

This paper outlines the findings of using a bail instrument that includes behavioral factors for ranking in addition to offense behavior. Attachments to this paper include relevant instruments and reports used to determine risk factors on pre- and post-adjudicated defendants.

When courts consider developing new instruments to help determine release conditions in their jurisdictions, they need to examine ways to implement an instrument that will provide the most predictive value, which is also easy to administer. They also need to understand that this instrument needs to be re-evaluated at varying intervals to continually monitor its success at predictability. A mechanism to capture, retain and view data needs to be in place for the successful implementation of this project. Consequently, this paper outlines methods currently

used by some jurisdictions to capture this data. It is hoped the inclusion of this data will be

helpful to other jurisdictions that are interested in implementing a similar study.

INTRODUCTION

A. <u>PURPOSE</u>

The Maricopa County Jail processes approximately 65,000 newly arrested defendants each year. The Maricopa County Pretrial Services Agency Jail Unit interviews approximately 36,000 of those defendants. The current Bail Classification Matrix was developed over fourteen years ago with minor modifications made to it in 1991. The instrument has been determined to be outdated and is no longer considered a valid tool in assessing defendants' risk to reappear or re-offend on pretrial release status. The instrument needs to be modified, to include current research in predictive tools, to enhance the value of the instrument and its utilization by judicial officers in making more informed and valid release decisions.

B. <u>PROGRAM TO EVALUATE</u>

This paper will evaluate the best practices for development of a Bail Matrix Classification Tool for the Maricopa County Superior Court in Phoenix, Arizona. Research was conducted on a sample of arrested defendants who incurred all possible options of release after their initial appearance, to include: release on own recognizance; release to Pretrial Services supervision; release on bond; no release. Reviews were performed comparing the recommendation contained in the original Bail Matrix and those obtained using a newly developed Bail Classification Instrument.

C. <u>HISTORY OF BAIL INSTRUMENTS USED BY THE MARICOPA COUNTY SUPERIOR COURT</u>

In 1975, the Superior Court of Arizona in Maricopa County established the Appearance and Indigency Determination Program (AID), satisfying statutory requirements per ARS 13-3697C.[2] The statute requires that a judicial officer consider available information on defendants,

such as employment, community ties, financial resources, criminal history, prior failure to appear rates, etc., when determining the type of release, detainment, or bail amount. In Arizona supervised release laws are also governed by Rule 7.3[3] and 7.5[4] in the Arizona Rules of Criminal Procedure.

Today, the Pretrial Services Agency (PSA) Jail Unit is staffed 24 hours a day, seven days a week with 18 employees who conduct investigations on over 36,000 defendants a year. The Jail Unit performs the primary and original function of PSA, interviewing defendants newly booked into the Maricopa County Madison Street Jail prior to Initial Appearance Court. National and state automated databases are used to compile criminal histories and to conduct warrant checks. An assessment is completed regarding flight risk and charge severity. The Bail Guidelines Classification Matrix (BGCM) is used to provide a range of release options to aid judicial officers in their release/detainment decisions.

The current Bail Matrix has been in place for approximately 14 years with modifications made to it in 1991. The initial work on the matrix began in 1985 as part of a National Institute of Justice (NIJ) sponsored study on the effectiveness of bail practices. Based on that work, the Bail Classification Matrix was implemented by Maricopa County Pretrial Services. In 1997, The Maricopa County Citizen's Advisory Committee on Jail Planning recommended that the Maricopa County Board of Supervisors fund a study to review the current bail guideline matrix used by the Pretrial Services Agency (PSA) "to determine whether the decision factors used still have predictive capability."[5]

The impetus to evaluate the bail matrix came from the realization that Maricopa County's population was rapidly changing, and factors that were once found to be related to pretrial misconduct may no longer be valid. The population of the county, the sixth largest in the nation,

grew from 2,122,101 in 1990 to 2,432,372 in 1995, and was expected to increase to 2.9 million by 2000 (actual 2001 population number – 3.1 million) and 3.7 million by 2010. The changing demographics of the county are fueled by an influx of diverse ethnic groups, particularly a growing rate of Hispanics. On February 18, 1999, the Pretrial Services Resource Center (PSRC) was contractually engaged by county officials to undertake a project to study the Maricopa County Pretrial Services Agency Bail Classification Matrix. The study was completed and submitted June 24, 1999.

As a result of the Pretrial Services Resource Center Study a risk instrument was developed and proposed (Appendix # 1). The instrument did not attempt to take into full consideration two factors which the Arizona statute requires the judicial officer to consider – the weight of the evidence and the nature of the offense. These are very subjective determinations. The Pretrial Resource Center recommended that these determinations should be made only by trained judicial personnel, and not pretrial program staff. Thus, judicial officers who must take statutory mandates into consideration in every case, should use the proposed instrument only as a guide.

Furthermore, the Pretrial Resource Center did not include any current research conducted by professionals charged with the supervision of post-adjudicated defendants. This research has highlighted the importance of measuring dynamic as well as static factors when attempting to make determinations of risk levels. As defendant behavioral changes were not being measured upon re-arrest, there was very little change in risk scoring, despite whatever changes the defendant had made to mitigate that risk (e.g., involvement in and completion of treatment programs, increase in education level). This project and the newly developed Bail Classification

Instrument attempts to determine if these factors play a role in determining risk levels on the pre-adjudicated population.

D. SIGNIFICANCE OF THE PROGRAM

The Superior Court has a responsibility to both the defendant and the public when making release determinations. By statute and in order to ensure equal protection rights, the Court is charged with placing the least restrictive and onerous conditions on a defendant, in direct relation as to whether they are a flight risk or a danger to the community. This determination becomes even more crucial in light of jail overcrowding issues and the burgeoning incarcerated pretrial population. As a result, it is imperative that judicial officers have the best source of information available to them to determine those who should be released and those who really need to remain incarcerated. The ability to provide judicial officers with a Bail Classification Matrix formulated from the most current research and tested on the Maricopa County pretrial population for validity, assists them in making the most informed and valid release decisions. This, in turn, satisfies the requirement that defendants are not being unnecessarily incarcerated and that those who do present a danger to the community are not released. This addresses jail over-crowding issues and at the same time builds the public's confidence that the court's decisions are not arbitrary and capricious but are based on research and best practices.

E. GOALS OF THE PROGRAM

This project has the goal of obtaining data that will be used to identify and provide valid measurements of risk and need areas of newly arrested defendants resulting in a bail classification instrument to be used in deciding appropriate release alternatives. This instrument allows for better predictability in release decisions and has a direct impact on ensuring only

individuals who need to remain incarcerated are incarcerated. This assists in jail population management, ensuring that jail/tax dollars are wisely spent.

E. <u>MEASURABLE OBJECTIVES</u>

The success of this project will result in an accurate assessment of an arrested individual's risk/needs, through the use of a bail classification instrument comprised of static and dynamic factors, allowing for better informed release decisions by judicial officers. Public confidence in the Maricopa County Superior Court can be bolstered by addressing the issue of public safety through better release decisions on pre-adjudicated defendants.

The project started in November 2000. Information was gathered from a study conducted in 1999 by the Pretrial Services Resource Center. A random sample was used from their study for the purpose of this analysis. A new Bail classification instrument was developed using current research in the field of risk/needs utilizing static and dynamic factors and an instrument specifically developed measuring post-adjudication risk/needs for the Maricopa County Adult Probation Department. The instrument was disseminated to Pretrial Service professionals for feedback and modifications were made based upon their recommendations. The new instrument was then completed on the selected data sample by reviewing the Superior Court files and searching the Adult Probation Presentence and Supervision databases. After the document was scored the findings were entered into a database and compared with the findings of the Pretrial Services Resource Center project.

An analysis of the findings was conducted to determine the validity of the Bail classification instrument in assisting in heightening the integrity of release decisions made by judicial officers on pre-adjudicated defendants.

F. PAPER CONTENT

This paper will contain a literature review of all current research found with regard to the measurement of risk/needs on criminal defendants. As the majority of that research has been conducted on post-adjudicated defendants, an analysis will be made to determine if the research has validity with pre-adjudicated defendants as well. A newly devised Bail classification instrument was developed as a result of this research and was tested on a sample population. This paper will discuss the development of that instrument and the methodology used in obtaining a sample population for testing. The findings and results gathered from the use of that instrument will be discussed in the Findings section and the conclusions reached will be outlined in the final section of this report. These conclusions contain the results of this research as well as recommendations regarding the gathering of data for future studies in bail instrument formulation.

RESEARCH REVIEW

The Advent and Inherent Functions of Pretrial Services Agencies

Since the inception of criminal legal codes in the United States, the law has always contained provisions guarding against the unwarranted detention of defendants. The law favors the release of defendants pending a determination of guilt or innocence. These interests are weighed against the rights of the community to be protected against the release of individuals that present a potential risk to impose community harm. Pretrial detention should only be "resorted to in very special circumstances including capital cases where proof is evident, and cases in which there is compelling evidence presented at a judicial hearing that preventative detention is needed to ensure the defendant's future appearance to protect society from harm. The utilization of a variety of release alternatives should be considered so that the widest protection of interests – both individual and societal interests – is accomplished."[6]

Pretrial Release - A Brief Historical Perspective

Centuries ago, problems created by the inequitable decisions used to detain pretrial defendants led to the development of pretrial release procedures. The first mention of pretrial detention is contained in the English Bill of Rights of 1869. This document supports the principle that defendants should not be detained solely because they have been accused of committing a criminal offense.

The first documented form of bail was used in England and was non-financial in nature. Release conditions required friends or relatives of a defendant to supervise that individual in the community to ensure his good behavior and his subsequent appearances in court. As the population increased and became more mobile, this informal bail system proved ineffective and commercial bail bondsmen appeared to fill the void. Commercial bondsmen would post a cash

bond for virtually anyone who could afford their fee; however, they did not provide supervision of the defendant. In essence, defendants could now "buy" their freedom from the commercial bondsmen. This system resulted in the court no longer being responsible for the "jail or bail" decision. Commercial bondsmen, free to select or refuse clients based on their own self-interested judgement, virtually held the keys to the jailhouse door.

During the 1920's, a number of studies conducted on the criminal justice system revealed the following:

- Defendants without funds were given virtually no opportunity to obtain pretrial release.

- No standards were used in bail setting.

- Generally less than 5 percent of the defendants released failed to appear for court.

- Pretrial detainees were more likely to be indicted, convicted and to be sentenced to prison than defendants who were free prior to trial.

Even though the need for alternative methods for providing pretrial release was clear, no significant progress was made until the 1960's. Until the early 1960s, two features characterized pretrial release decision making. First according to an American Bar Association report, the decision was generally made in such a "haphazard fashion that what should be an informed, individualized decision is in fact a mechanical one in which the name of the charge, rather than all the facts about the defendant dictates the amount of bail."[7] The second feature was the reliance of the court to impose financial sanctions to secure release, almost to the exclusion of any alternative options.[8] As, a result, only defendants with financial means had the ability to post bail and secure release. In the 1960's the Bail Reform Movement was borne as "courts had long recognized that setting bail so the wealthy could obtain release while the poor could not

raised serious equal protection issues."[9] Research indicated that those who were released had an advantage in the preparation of their defense and possessed a greater likelihood of acquittal or less severe sanctions than those who remained incarcerated.

Throughout the 1960's the Movement resulted in the courts taking a serious look at release decisions and bonding issues through such projects as the Manhattan Bail Project, the Illinois Deposit Bail Plan, the 1964 National Conference on Bail and Criminal Justice and finally the Federal Bail Reform Act of 1966.[10] The states quickly followed suit with statutes establishing *"the presumption of **release by the least restrictive means**, including personal recognizance and conditional release."[11]* Release on monetary bail went from becoming the first option of choice to the option the court would use as a last resort.

The Manhattan Bail Project, established in the 1960's was the first organized pretrial release project. This project established the release on own recognizance concept, which allowed defendants to be released solely on their promise to appear and/or with the assistance of supervision while their cases were traveling through the adjudication process. This program was so successful it was quickly replicated throughout the country.

The United States Congress soon legislated a presumption in favor of own recognizance for federal defendants resulting in the Federal Bail Reform Act. After the enactment of the Federal Bail Reform Act, professional organizations began implementing standards addressing the pretrial release decision, to include: the American Bar Association, the National District Attorneys Association and the National Association of Pretrial Services Agencies. All of these organizations recommended the abolishment of commercial surety bail.[12] The Bail Reform Act of 1966 specified that the release decision in federal courts should be made by taking into consideration the following factors: family ties, employment, financial resources, character and

mental condition, length of residence, criminal record, and appearance record at court proceedings.[13] Soon, many states, including Arizona, adopted the federal standards favoring own recognizance release. Today over 100 pretrial release programs operate in the United States in most metropolitan areas as well as in many smaller jurisdictions.

The second generation of bail reform occurred in the 1980's. This movement added community safety and risk of failure to appear to the list of considerations to be used when determining release conditions. The outcome was that preventative detention was appropriate when the court could find no condition or combination of conditions, which would assure appearance and/or public safety. A final result of this movement was the recognition that an essential function of a pretrial agency included a supervision component.[14]

"The importance of pretrial agencies was acknowledged in 1985 in the American Bar Association's standards on criminal justice: *The standard…recommends that every jurisdiction establish a pretrial services agency or similar facility, empowered to provide supervision for released defendants.*"[15]

Renewed focus on law and order, a climate of getting tough on crime and the continued problem of drugs, has caused jail populations to explode to overwhelming proportions in the last 20 years. In 1960, there were 212,953 defendants incarcerated in the United States.[16] As of 2001, there are now 1.96 million defendants incarcerated in the United States, which is an increase of approximately 1000 percent.[17] The cost of building and maintaining jails has become astronomical and these costs have placed a financial drain on many jurisdictions' budgets. As a result, jurisdictions look to pretrial services programs as a key component in assisting in the reduction of jail populations. The goal of these programs is to maximize rates of release while minimizing rates of failure to appear and rearrest. The ultimate goal is to reduce unwarranted

detention rates. As a result, "those defendants that remain incarcerated do so because no condition or combination of conditions can reasonably assure appearance in court and/or community safety."[18] In an effort to reach this goal, the pretrial initial interview assists with the collection and analysis of information in an effort to determine the defendant's level of risk. While this is a subjective process, there are efforts across the country to develop objective risk assessment and classification tools to enhance the predictive value of risk factor elements and bring some level of standardization to the field. In devising these instruments, an understanding of risk classification is necessary.

What is Risk Classification?

At the broadest level of meaning, risk classification refers to the prediction or identification of those individuals most likely to break the rules during a certain period of criminal justice supervision, e.g., while released on own recognizance or on probation or parole supervision. The definition of breaking the rules varies in each jurisdiction. However, breaking the rules for a pretrial services agency includes both the commission of any new crime by the defendant but also the likelihood the defendant will return for all future court proceedings. Risk assessment prioritizes breaking the rules in terms of continuing to keep the community safe from any offenses committed by the defendant while on release in balance with the safe and effective management of the criminal justice process to ensure cases reach an adjudicated resolution.[19]

Actuarial vs. Clinical Prediction of Risk

Until recently, criminal justice professionals on the basis of their clinical judgement made predictions of risk. This judgement was formed by their experience and understanding of criminal behavior coupled with their experience supervising similarly situated defendants involved in the criminal justice process. Risk is a concept that has been utilized by the medical

profession for years. Medical professionals use genetics, diet, weight and negative behaviors (e.g. cigarette smoking) to predict the likelihood of future health problems. In the same way pretrial professionals use the history of revocation, failure to appear rates, prior criminal history and drug and alcohol involvement to predict recidivism. Since the early 1970's these professionals began to use actuarial instruments or "risk" scores representing total scores to assist in the ability to predict future behavior.[20] Defendants who score high in the areas relating to recidivism are considered to be "at risk" of engaging in future offending behaviors. "In this sense, risk classification in corrections parallels risk assessment in medicine and insurance. The actuarial tests or classification systems, in corrections, rest on three factors:"[21]

- There are certain individual characteristics and behaviors that are statistically correlated (predictive of) potential involvement in future criminal behavior and/or non-compliance of the rules.

- The more risk factors that are present at the time of the initial interview, the greater the likelihood of future criminal behavior (See Andrews and Bonta, 1994) and/or non-compliance (e.g. the higher the risk score, the higher the risk potential).[22]

- "Research shows rather conclusively that actuarial or statistical risk prediction, when properly validated and administered, is more accurate than clinical predictions (Gottfredson, 1987a)."[23]

Today, there are a wide variety of instruments and models being used for risk classification purposes. "Notwithstanding their differences, risk classification methods are alike in that they refer to statistical predictions of risk, the use of risk factors, and the increased weighting given to an accumulation of factors."[24] As the models vary, most classification models use some predictors of recidivism. "But the choice of factors for inclusion on a

classification instrument must fit the purpose of the risk classification model. Choice of factors will greatly affect the utility of the classification process for certain purposes as well as the systems potential for bias, particularly racial bias. Because risk classification methods are developed through empirical research, they seldom include items that are not statistically related to recidivism; some of the omissions, however, will appear surprising, because they are factors that are important in other types of sentencing and dispositional decision-making."[25] The best example, "harm committed to others," is <u>not</u> predictive of future offending; (Clear, 1988; Petersilia, Greenwood, & Lavin, 1977) however, should not be dismissed for consideration in sentencing determinations (i.e., violent offenses).[26]

Purpose of Risk Classification

"The main purpose of risk classification is to help achieve the correctional purpose that the public clearly charges us with – keeping communities safe. Risk classification enables correctional agencies to direct scarce resource to those defendants most likely to commit new crimes."[27] Risk classification has allowed communities to better direct scarce resources to those defendants that pose the biggest potential risk to reoffend. In addition, tangential benefits have surfaced revealing that risk classification serves a multitude of purposes. These include, but are not limited to:

- <u>Better allocation of resources</u>. Institutional overcrowding and tightening budgets has severely affected the need for justification that resources are spent wisely. Bed space and intervention services are at a premium and have added to the already complicated decision-making as to those who remain detained and those who are to be released. Furthermore, research tells us that supervising defendants at a higher level than their

risk calls for actually increases their risk level. Consequently, it is important that the most serious and high risk defendants be correctly identified.

- <u>To make the decisionmaking process about levels of supervision and intervention services more efficient.</u> In Maricopa County the pretrial services intake unit conducts over 3500 interviews per month. As such, time-consuming, subjective assessments are of little value. With these explosive numbers, it becomes imperative that the use of any instrument be efficient to administer.

- <u>To make uniform decisions.</u> "Because high-risk defendants experience greater deprivation of liberty than those classified as low risk, correctional practitioners and policy makers recognize a moral and legal obligation to make such a classification in a fair and objective manner. Risk classification models improve our ability to achieve fairness and uniformity, by assuring that: 1) all defendants within a given agency are assessed according to the same criteria, and 2) the criteria for assigning greater or less deprivations of liberty are those which have empirically-established relationships with recidivism."[28]

- <u>To reduce the risk of incidents occurring while under correctional supervision.</u> Apart from using objective classification instruments in making appropriate release decisions, classification is also a factor in managing and maintaining safe correctional institutions. The level of classification assignment (e.g. minimum, medium, maximum) is often also determined using actuarial risk classification instruments. These classifications are used for offender management while in the institution in an effort to maintain a safer and more secure environment.

"These benefits were perhaps enough to make risk classification one of the most important correctional innovations of the century, clearly the most widely used form of correctional classification."[29] Even so, upon use of these instruments further applications and purposes for their use were revealed. "Most noteworthy, several of the meta-analyses published during the late 1980's and early 1990's, showed that offender risk was a factor in whether, and to what extent the program reduced recidivism" (see Andrews & Bonta, 1994; Andrews, Zinger, Hoge, Gendreau, & Cullen, 1990).[30] Although security was the primary reason for the development of these instruments, valuable programmatic benefits resulted as well. The most important of these was the ability to classify defendants at the **appropriate** risk level. This allowed professionals to match appropriate levels of intervention and/or treatment to the appropriate defendants. Research reveals that intensive treatment programs are most effective with high-risk defendants. Consequently, a reduction in a defendant's risk score while in treatment and under supervision, can translate in a reduced risk of recidivism upon their release (Andrews & Bonta; Lipsey, 1991). Additionally, the reverse has been found to be true also. That is, intensive intervention and treatment administered to low-risk defendants can actually harm them and may serve to increase their level of risk in the future.

Lastly, research reveals that the use of risk classification is an aid in program evaluation. "For purposes of program evaluation, risk classification facilitates: 1) studying or identifying comparable control groups, 2) achieving an improved understanding of target populations, and 3) examining the effects of subject attrition on the final composition of experimental and comparison groups."[31]

Difficulty of Prediction

"Prediction is difficult because the criminal justice system is dynamic."[32] One of the most significant factors in using data for prediction forecasts is the human factor. Once the human factor is added into the equation the possibility of data error increases dramatically. Case in point - collected information at the pretrial services level is gained based on a verbal interview with the defendant. Throughout the interview data entry is made into the Jail Management System by the pretrial interviewer. This entry occurs following the entry of booking information into the system by an employee of the institution. The Jail Management System (JMS) is over twenty-five years old. It was developed as a case/person tracking system and was not considered as a tool to be used for research purposes. As a result, the data was never checked for reliability or "scrubbed" for accuracy. The system contains conflicting and inaccurate information that makes any attempt at accurate analysis difficult. Additionally, the JMS system is a proprietary system and once initial entry is made into the database it is prohibited from being overwritten. Consequently, information entered into the system by pretrial personnel varies from the original entry and is added as Also Known As (AKA) information.

Prediction difficulty is further compounded by the questionable reliability of the source information. The pretrial interview in Maricopa County must be conducted within twenty-four hours of a defendant's arrest. An interview is then conducted with the defendant prior to their appearance before a judicial officer. Difficulties occur with this process for two reasons. First, the obtained information is self-reported. This builds an inherent possibility that the information may be inaccurate. All attempts are made to verify the information. However, the initial appearance court is conducted six times within a twenty-four hour basis with dockets of over 60 defendants. This eliminates the luxury of time and there is often only a very small window of

opportunity available to conduct verification. As a result, unverified information is entered into

the system that may later be found to be unreliable and inaccurate. The second problem is also a

result of the expeditious manner that is required in processing these hearings. At least sixty

percent of arrests in Maricopa County are for drug and/or alcohol offenses or as a result of drug

and/or alcohol involvement at the time of arrest. Consequently, many defendants are impaired to

some degree at the time of the pretrial interview. The defendant's impaired state often lends

itself to difficulty in obtaining valid information at the initial entry stage. As a result, the

collected data contains an unavoidable degree of error.

"Consequently, it appears imperative to build any newly developed instrument into an

automated system that enhances amenability to research purposes. This will drive further

refinements of the prediction instrument. To follow Gottfredson's reasoning, failing to concern

ourselves with quality data collection will (as the need for evaluation and refinements continues

throughout the years) eventually erode the quality of the prediction instrument."[33]

History of Risk Assessment Instruments

Although social scientists have endeavored for well over a century to predict

criminal behavior, system wide applications of risk classification models began only

approximately 25 years ago. The earliest risk classification models in use in the United States

were seen in California's state probation offices (BE61A), in the United States Parole

Commission's Parole Salient Factor Score (SFS), and in separate U.S. District Probation Offices

(Eaglin & Lombard, 1981). A similar instrument, the Statistical Index of Recidivism (SIR) was

implemented in Canada (Nuffield, 1982). Known at the time as "Base Expectancy Scales", these

instruments selected from a large array of background variables, those factors which individually

or in combination were most likely to predict recidivism.[34] The selected factors then became the

elements of scale. Points assigned to each item reflected the item's predictive strength. The results produced an instrument containing such predictors as: 1) prior adult or juvenile convictions, 2) prior commitments of more than thirty days (adult or juvenile), 3) age at current offense, 4) existence of a recent commitment within three years of current commitment, 5) history of prior escapes, and 6) history of heroin/opiate dependence (Gottfredson, Wilkins, & Hoffman, 1978: Hoffman, 1994).

Parole and sentencing guidelines closely paralleled the development of risk prediction instruments (Gottfredson, Cosgrove, Wilkens, Wallerstein & Rauth, 1978; Gottfredson, Wilkins & Hoffman, 1978). However, the difference between the sentencing guidelines and the risk assessment instrument, is the former serves as a guide to sentencing and release decisions while the latter is used in an effort to determine risk to the community and likelihood of recidivism.[35] Hence, sentencing guidelines factor in punishment and likelihood of recidivism, in an effort to determine an appropriate sentence. Lastly, the most significant difference is evident in the sentencing guidelines' reliance on offense factors (e.g. violence, harm to the victim) {Gottfredson, 1987a}. Most risk classification instruments do not, or more importantly, should not use this as a relevant factor for predictive purposes. As noted earlier, harm or seriousness of the offense is **not** considered to be a valid predictor of future offenses. This factor should only be used in determining punishment and fulfilling the retributive goal of imposing a sentence (Clear, 1994). This issue alone has caused heated debate in Maricopa County, where the present tool used in determining release conditions remains significantly reliant on the instant offense based behavior. The implications of using this instrument and the problems with the validity are further discussed in the Maricopa County Pretrial Services Bail Matrix section of this report.

Shortly after the development of the first community-based risk classification systems, two United States government reports, <u>Probation and Parole Activities Need to Be Better Managed (U.S.D.J., 1976)</u> and <u>State and County Probation: Systems in Crisis</u> (U.S.G.A., 1977) issued indictments against the effectiveness of probation and parole.[36] At the same time, a model of community supervision for higher risk offenders was emerging (Banks, Porter, Rardin, Silver, and Unger, 1977). This presented a need for the ability to more accurately predict likelihood of recidivism using verifiable and quantitative data. Intuition alone was no longer considered to be reliable enough to accurately predict behavior and potential community risk and liability had to be acknowledged. The combination of these factors prompted the spread of the utilization of risk classification instruments to other states and jurisdictions.

By the early 1980's risk classification emerged in a number of prison systems. These instruments were intended to measure risk in terms of behavior exhibited while institutionalized. The roots of these instruments formed the basis for the initial factors used for predictability of community-based behavior. It was not until further research was conducted that these instruments began to vary in the factors used for behavior prediction.

It is extremely important to note that neither community-based nor institutional risk classification systems were ever intended to be one-time only classification systems. There was never any intention to conceptualize risk, as a single decision, once made that could not be changed. Instead, from the beginning, the intent was always for a reconsideration component to be built in the system. It was assumed that good behavior while incarcerated, or success in intervention and treatment programs should result in a reduction in the defendant's risk level. These reductions would then be used for modification in supervision levels, with diminished risk

resulting in diminished monitoring and supervision.[37] Consequently, the need for the system to contain an automatic ability to reassess risk was obvious.

The reassessment methods enabled criminal justice agencies to reassess defendants at regular intervals (often every 6 months), to determine whether a change in supervision or security levels was warranted. Reassessment scales contained background variables that were not changeable (Jones, 1996). "On the Bureau of prisons BP15, for example, reassessment of risk considered such factors as: 1) percentage of time served; 2) nature of disciplinary reports received, if any; and 3) use of family and communities ties. Put differently, the initial risk assessment scales used static predictors of risk (e.g. history of violence) which cannot change over time, while the reassessment instruments used more dynamic predictors of risk (e.g. institutional factors that can change). The distinction between dynamic and static predictors is essential to reassessment in that dynamic factors can be changed through the actions of defendants, whereas continued use of static predictors would only serve to replicate the initial score, thus offering no incentive or possibility for defendants to change."[38] The argument can be made if a defendant is arrested today and receives a bail risk score based on static factors and they return five years later they will receive basically the same score. The score remains the same even if they have changed their social situation (completion of substance abuse counseling, elevation of education level, etc.) in a positive way. Studies of post-adjudicated defendants assert that these social changes will lower the defendant's risk.

The late 1980's and early 1990's, viewed risk as having one purpose while psychological and needs-based models had another (Posey, 1988; Sechrest, 1987; Van Voorhis, 1991). This mode of conceptualizing classification models, however, did not reflect the risk classification models emerging at that time in Canada.[39] In review of the classification technology, Andrews,

Bonta & Hoge (1990) put forward three principles of classification: risk, needs, and responsivity. Most instructive, was their notion of the "criminogenic need" which the authors discussed in the context of "the needs principle." Criminogenic needs refers to those individual factors that appear to be involved in an individual's criminal behavior such as alcoholism, criminal values, antisocial associates, criminal attitudes and others. Many of the criminogenic needs are psychological. Apart from the earlier risk/needs models, the criminogenic need is not simply a need that has been decided to address independent of its effect on recidivism, it is a need which, if reduced, will reduce the individual's likelihood of future criminal behavior (Andrews et al., 1990). In other words, the criminogenic need is a risk factor.[40]

Generational Assessments

The assessment of defendants has long been acknowledged as a necessary component for criminal justice practitioners who assess and case manage defendants. Even the earliest criminologists recognized that not all defendants presented the same risk or had the same treatment needs. The difficulty arose in the absence of any quantifiable way to objectively categorize levels of risk. Due to the recognized need many attempts were made to develop models that would fill this void. As examples, "Lombroso described 'atavistic' features, Freud outlined differences in personality structure, and sociologists categorized deviance as a function of social values and structure."[41] The common theme is that not all defendants are alike and their differences are important in defining risk allowing for the appropriate level of supervision. To follow this logic, is the assertion that these differences are valid and relevant to release risk.

The "first generation" of assessment tools have no clear origination other than they probably occurred during the first interview of a criminal defendant. These assessments are described by various terms such as subjective assessment, professional judgement, intuition, and

gut instinct. The first attempt to develop an empirically objective offender assessment tool (or so-called risk assessment) was derived out of Burgess's (1928) study of parolees.[42] This initiated the "second generation" of offender assessment. These instruments use publicly acknowledged research-based factors in the assessment process. The need to develop a more sophisticated form of assessment was still needed; however, it became quite clear that subjective, professional judgement still had its place in the process. "First-generation assessments are prevalent and can play an important role in offender assessment." Bonita (1990) contends, "I argue, however, over-reliance on these measures is wrought with problems and has played an inhibiting role in furthering knowledge on criminal behavior and effective interventions."[43] Second generation assessments were not found to be completely satisfactory either. "They are an improvement over first generation assessments, but there is a "third" generation, risk-needs assessment, that finally links the assessment process to rehabilitation and advances us still further."[44] The goal became to marry subjectivity and professional judgement with objective research-based data to obtain a third generation assessment tool. Advances in continuing to define offender assessment are far from over. Predictive capability is certainly a key in effective management of the offender population and a search for tools with greater predictive accuracy will continue. "It took a millennium to progress to the second generation, 50 years to the third (1928 to 1979), and less than 15 years from the beginning of risk-needs instrumentation, we are on the verge of the fourth generation."[45]

First – Generation Assessments

First-generation assessments involve collecting information on the offender and their circumstances and then attempting to interpret this information in some type of meaningful manner. This form of assessment primarily involves an unstructured interview with the

defendant and a review of official documentation leading to general conclusions and recommendations regarding the defendant.

The unstructured nature of this process leads to its inherent weakness. The information can vary depending on the interviewer. Furthermore, the priorities and biases of the interviewer can affect both the type of questions asked and their interpretation of the responses. Even the existence of policy and procedure manuals did not provide enough structure to limit subjectivity. The same interview conducted by different interviewers could net dramatically different results and conclusions (Monahan, 1981; Wardlaw & Millier, 1978).

A dependency on first generation assessments called into question accountability and fairness. There is no quantitative way to determine how decisions are reached. "Research on the inter-rater reliability of professionals are just as likely to disagree on the key features of a case as they are to agree."[46]

"Finally the evidence as to how well clinicians and other experts can predict future criminal behavior based on their professional judgement clearly shows that their accuracy is legally, ethically and practically unacceptable (Andrews & Bonita, 1994; Gottfredson & Gottfredson, 1986; Monahan, 1981)."[47] The failure of these instruments to serve as accurate predictors led researchers to produce new instruments, known as the second-generation of assessments.

Second - Generation Assessments

"Objective, empirically based offender risk assessments can be traced back to Burgess' (1928) study of over 3,000 parolees."[48] Burgess identified twenty-one factors that differentiated parole failures from parole successes and he used these factors to construct a risk scale. The principle for the scored scale is the higher the score obtained the higher the risk to reoffend. The

next major step in the development of second generation assessments is seen in Gluek and Gluek's (1950) prediction tables. "Variables that differentiated delinquents and non-delinquents formed the basis for empirically derived estimates of the probability of delinquent behavior. The new twist to the objective assessment process was that weights were assigned to the different variables."[49]

In the 1970's research on risk assessments was prolific. The result was a plethora of risk instruments based on sound empirical research. These instruments were considered valid in differentiating between high-risk and low-risk defendants; however, their major weakness was the lack of direction provided for treatment and intervention services.[50] The cause of this is attributed to the fact that the obtained information was based solely on historical data. Due to this perceived weakness, continued research was conducted and led to the advent of third-generation assessment instruments.

Third - Generation Assessments

The third generation of assessment is what is currently used in the field and is commonly referred to as risk-need assessments. These instruments combine the qualities of the first and second-generation assessment tools. They exceed statistical risk prediction by adding the element of need identification. As previous instruments assisted in decision-making regarding release conditions, these assessments identify the areas that need intervention to mitigate recidivism risk while on release. Furthermore, that current state of fiscal constraint calls for the most effective utilization of resources. These instruments lend justification to appropriate resource allocation as they are matched to the "needs" of the offender.

Although psychologists, psychiatrists, social workers, and social service providers have long recognized the need to identify and address offender needs wide-scale application of need

assessments in the criminal justice system is only a recent phenomenon. "Early applications of psychologically based classification systems, such as the Megargee MMPI (Megargee & Bohn, 1979), Quay's AIMS (Quay, 1984), and the I-level (Sullivan, Grant & Grant, 1957), attempted to classify defendants into groups assumed to differ in their treatment needs, therefore requiring different types of intervention."[51] The weakness of these initial instruments is in their attempt to solely address needs and compartmentalize risk as a separate entity. In essence, treatment interventions could be identified but questions regarding prediction of future criminal behavior remained unanswered. The best example of this can be evidenced in the most widely used offender classification system in the United States: the Wisconsin Classification System (Baird, 1980).[52] Wisconsin's classification system is composed of three parts: risk assessment, need assessment and Client Management Classification (CMC). The CMC provides the final component of a prescribed treatment strategy for the offender. The three parts operate relatively independently. The offender is assigned a supervision level according to the highest of the score they receive between the risk and need areas. "In the available research with the Wisconsin classification instruments, information on predictive validity is available only for the risk scale (Andrews, Kiessling, Mickus, & Robinson, 1985; Baird, 1981; Baird, Heinz & Bemus, 1979; Motiuk, 1991; Robinson & Porporino, 1989). Research on the Wisconsin risk instrument has confirmed its predictive validity."[53]

For the CMC, there are only reported studies addressing the predictive validity of the classification scheme. Furthermore these studies are inconclusive and reveal mixed findings. "Harris (1994) found evidence of predictive validity, whereas Loza (1991) failed to find a relationship between CMC subtypes and post-release recidivism."[54] There is no information that revealed whether the needs scale provided predictive ability of future criminal involvement. As

the focus continued to remain on risk, there is no further investigation made as to the relationship between needs and recidivism.

Recent research has shifted focus and has identified a category of needs referred to as *criminogenic* (Andrews, Bonta, 1994; Andrews, Bonta, et. al, 1990). Criminogenic needs have been found to have a clear link to criminal behavior. By applying therapeutic intervention in these need areas the potential of future risk can be decreased. These needs have the potential to be altered and are, therefore, considered criminogenic. Thus criminogenic needs become synonymous with risk predictors. The key difference is these needs are dynamic in nature (changeable) rather than static (historic and non-changeable). In summary, third-generation assessments recognize types of offender needs that are related to criminal behavior. In this regard criminogenic needs are also risk predictors, but they are **dynamic** risk predictors.

Determining criminogenic needs requires assessment. Belief that altering these needs can change the potential of future criminal activity, provides a powerful argument for focusing resources on the research and development of viable assessment tools. In the past, outcome changes scored between the periods of intake assessment and reassessment have been viewed as an indicator of unreliability in the assessment tools themselves. This is, in fact, accurate when the instruments are comprised solely of static variables. However, for assessment tools that contain a significant number of dynamic items, it is possible that the difference in scores between intake and reassessment may actually reflect a change in the defendant and their situation. Score changes between initial arrest and subsequent arrests may mark changes in the defendant's situation, if assessment tools containing dynamic factors are utilized.

The Current State of Release Instruments

There are currently only two offender classification instruments *intentionally* designed to measure criminogenic needs: the Level of Supervision Inventory (LSI; Andrews & Bonta, 1994), presently used in the province of Ontario and the state of Colorado, the Correctional Service of Canada's Community Risk/Needs Management Scale (Motiuk, 1993).[55] To underscore the belief that criminogenic needs are a subset of risk factors, the needs items are integrated with the more traditional risk items to form one scale instead of two independently scored scales (an example of some items is shown in Table 1). Furthermore, both scales are systematically re-administered to defendants to measure changes that may result from intervention and to realign services to maximize the reduction of risk behavior.

"The importance of criminogenic needs or dynamic risk factors lies in the fact that they serve as targets for correctional intervention."[56] They form the intervention/treatment goals of staff who monitor defendants and in general, attempt to reduce the risk of future criminal behavior. If these instruments hold true to predicting risk of adjudicated defendants in the community, the extended thought is that they also predict risk of those released to the community but who are not yet sentenced. Thereby, making dynamic risk factors an important tool for pretrial release professionals.

Third generation risk assessments are inextricably linked to rehabilitation efforts. These assessments are not only concerned with who should be released to community supervision and how closely the need for monitoring but also with what must be changed about the defendant and/or their situation to minimize the risk of re-offending. Criminal justice rehabilitation can be defined as imposed intervention to reduce recidivism. Criminogenic needs are the links that affect risk of recidivism. For criminal justice professionals, programs that target criminogenic

needs are one of the basic approaches to reducing crime. In other words, if criminogenic needs are targeted and therapeutic intervention is successful, then reductions in recidivism are likely.

It is important to note the general failure of criminal sanctioning to reduce recidivism.[57] The main reason for this failure, is quite simply, sanctions do not target criminogenic needs. For the most part, defendants are not assigned to different sanctions or provided therapeutic interventions based on their criminogenic needs. Currently sanctions are almost always based on offense components as opposed to offender characteristics. For example, electronic monitoring programs will not address substance abuse and/or anti-social attitudes unless these are accurately identified at the onset of the defendant's involvement in the criminal justice system. Sanctions, **to include** release conditions, provide the only mechanism for service delivery of interventions, and it is the interventions within these settings that have the actual power to change defendant behavior (Andrews & Bonta, 1994; Gendreau et. al, 1994).[58]

Bonta recommends the following multi-step program to build on the present research and in consideration of other implementation issues:

- <u>Administer to defendants the best-validated risk-needs assessment instruments.</u> It is no longer an option for jurisdictions to rely on first and/or second-generation assessments as valid in the prediction of future risk of recidivism.

- <u>Validated risk instruments must match the intensity of services to the risk level of the offender.</u> Assessments may be appropriate for release and supervision decisions, but they should also be helpful in planning for interventions that *reduce* risk.

- The "needs" in risk-need assessments must include criminogenic needs. One of the major goals in the criminal justice system is protection of the public. In the short term, this can be accomplished through intensive monitoring and enforcement of court sanctions. Violations result in restrictions on the defendant's liberty. In the long term, the goal must be to employ efforts to reduce recidivism. This can be accomplished by identifying and addressing treatment needs.

- Monitor risk levels by conducting reassessments of risk-needs. By changing the bail review instrument to include criminogenic needs, the changes in defendant ratings actually measure changes in defendant behavior. The instrument becomes much more valuable as the scores that were previously only offense-based now reflect criminogenic assessment. This serves two important purposes. First, reassessments assist the criminal justice agency in protecting the public by alerting professionals to changes in the defendant's situation that may signal increased risk and the need for an increase in sanctions and/or intervention. Furthermore, once changes are measured, responsibility is then placed on the supervision unit to inquire into practices that bring about change. By measuring and observing either increased or reduced risk in defendants agencies become responsible in monitoring their own practices with regard to responsivity. This holds an agency accountable to the public as well as to funding sources. In times of fiscal constraint agencies become responsible for evaluating the rehabilitative value of programs and make sound decisions of which to keep, which to modify, and

which to discard. If there are *no* changes in monitored defendants, the agency can then ask pertinent questions regarding internal practices and can look for ways to monitor supervision so that it is more effective.

Bonta discusses a third aspect of assessment that is not as well understood but that may play an important in role in maximizing the effectiveness of a treatment program. "The third aspect is what has been referred to as the *responsivity principle* (Andrews & Bonta, 1994; Andrews, Bonta, et al., 1990). This principle deals with client characteristics and treatment matching and is more relevant for long term supervision."[59] This aspect is more valuable for post-adjudicated defendants. Due to its limited applicability to pretrial defendants, his theory is noted, but will not be further explored in this paper.

A Review of the Maricopa County Pretrial Service Agency Jail Unit

In 1975, the Superior Court of Arizona in Maricopa County established the Appearance and Indigency Determination Program (AID), satisfying statutory requirements per ARS 13-3967C. The statute required that a judicial officer consider available information on defendants, such as employment, community ties, financial resources, criminal history, prior failure to appear rates, etc., when determining the type of release, detainment, or bail amount. Three staff members were initially hired under a Law Enforcement Assistance Administration grant to conduct defendant interviews at the jail prior to Initial Appearance (IA) hearings. In Arizona supervised release laws are also governed by Rule 7.3 and 7.5 in the Arizona Rules of Criminal Procedure.

Today, the Pretrial Services Agency (PSA) jail unit is staffed 24 hours a day, seven days a week with 18 employees who conduct investigations on over 35,000 defendants a year. The Jail Unit performs the primary and original function of PSA, interviewing defendants newly

booked into the Maricopa County Madison Street Jail prior to Initial Appearance Court. National and state automated databases are used to compile criminal histories and to conduct warrant checks. An assessment is completed regarding flight risk and charge severity. The Bail Guidelines Classification Matrix (BGCM) is used to provide a range of release options to aid judicial officers in their release/detainment decisions.

<u>Maricopa County Pretrial Services Bail Matrix</u>

The current Bail Matrix has been in place for approximately 14 years with modifications made to it in 1991. The initial work on the matrix began in 1985 as part of a National Institute of Justice (NIJ) sponsored study on the effectiveness of bail practices. Based on that work, the Bail Classification Matrix was implemented by Maricopa County Pretrial Services.

In 1997, The Maricopa County Citizen's Advisory Committee on Jail Planning recommended that the county Board of Supervisors fund a study to review the current bail guideline matrix used by the Pretrial Services Agency (PSA) "to determine whether the decision factors used still have predictive capability." The Advisory Committee's report noted three benefits that should be expected from the study:[60]

- Enhance public safety through proper supervision of defendants;

- Instill faith in the judiciary about the appropriateness of release decisions; and

- Serve as the base for expanding the Pretrial Services Agency, which in turn could reduce jail construction and operating costs.

The impetus to evaluate the bail matrix came from the realization that the county population was rapidly changing, and therefore factors that were once found to be related to pretrial misconduct may no longer be valid. The population of the county, the sixth largest in the nation, grew from 2,122,101 in 1990 to 2,432,372 in 1995, and was expected to increase to 2.9

million by 2000 (actual 2001 population number – 3.1 million) and 3.7 million by 2010. The changing demographics of the county are fueled by an influx of diverse ethnic groups, particularly a growing rate of Hispanics.

On February 18, 1999, the Pretrial Services Resource Center (PSRC) was contractually engaged by county officials to undertake a project to study the Maricopa County Pretrial Services Agency Bail Classification Matrix. As part of the contract PSRC was required to complete four specific tasks:

- Evaluate the current matrix's performance to determine whether or not it includes the appropriate release criteria (and) determine whether these criteria are weighted or ranked appropriately based on changing population, risks, and demographics.

- Compare and contrast the current matrix instrument with relevant national standards and practices, and with other risk assessment tools used nationally.

- Based on the above, prepare conclusions and recommendations for either the improvement of the current matrix or a new assessment tool for the County, and assist in any writing, training, or implementation as necessary.

- Provide a mechanism that will allow the Court to reassess and adjust the instrument internally as needed.

The study was completed and submitted June 24, 1999.

Pretrial Services Resource Center Summary of Risk Assessment Project

Research conducted in other jurisdictions concerning the validity of pretrial risk assessment instruments has shown that factors, which may prove to be a valid indicator of risk of flight or rearrest in one jurisdiction, may not be a valid risk in another. In an effort to conduct a

study of risk factors associated with higher risk of failure, PSRC examined a statistically

sufficient number of cases of successful as well as unsuccessful arrestees.

Because most defendants succeed on pretrial release (i.e. make their court appearances

and are not rearrested), it was easier to develop a sample of those cases than to develop a sample

of those who failed. For the Maricopa County study, a total of 367 defendants charged with

felony offenses during May 1996 who did not fail on pretrial release were included in the study.

To obtain a sufficient sample of those who failed, research staff searched court records for a six-

month period from December 1995 to May 1996. A total of 100 defendants who had at least one

failure to appear in court, and 45 defendants who had at least one re-arrest were identified.[61]

Using the information available on each case (demographics, most serious charge, total

number of charges, prior criminal record, current case pending or on probation or parole, family,

residence and employment status), research identified factors which were the basis of higher

risks of pretrial misconduct. A number of factors were identified as being related to higher risks

of pretrial misconduct. A number of factors were identified as being related to either higher risks

of failure to appear or rearrest, or both. "These factors included whether the defendant was on

pretrial release at the time of arrest; was charged with a property offense; had prior FTA's (those

with two or more FTA's had higher risks than those with just one); had prior convictions; was

unemployed; had an unverified fixed address, had no family in the area, and those arrested that

were 21 years old or younger."[62]

Based on these factors and after a careful analysis of the Arizona statutes pertaining to

pretrial release decision-making, a risk instrument was developed and proposed (Appendix #1).

The proposed assessment instrument recognizes that Arizona law allows judicial officers to order

detention of persons believed to present a danger to the safety of the community. Thus the

proposed instrument began with a list of situations in which the court might hold the defendant without bail. It then assigns points to factors found to be related to risks of flight and the higher point totals determining the increased potential for failure.

The instrument did not attempt to take into full consideration two factors which the Arizona statute requires the judicial officer to consider – the weight of the evidence and the nature of the offense. "These are very subjective determinations, which should be made only by trained judicial personnel, and not pretrial program staff. Thus, judicial officers who must take statutory mandates into consideration in every case should use this instrument only as a guide."[63]

The Lack of Implementation of the Pretrial Resource Center's Bail Instrument

In 1999, a committee was formed in Maricopa County to evaluate and form implementation plans for the bail instrument devised as a result of the Pretrial Services Resource Center study. This committee was comprised of judicial officers, and representatives from the County Attorney's, Public Defender's and Court Administration Offices. Immediately, the new instrument met with a great deal of controversy. The newly developed instrument followed the National Association of Pretrial Service Agencies (NAPSA) standards that are most specific in requiring that programs be virtually "charge blind" in their work. This standard requires that the interviewer not inquire of the defendant information related to the circumstances of the instant charge, nor use offense information in developing a recommendation in the case. As a result, the new matrix contained no offense information (such as violence, weapon use, harm to victim, etc.). The rationale is that the pretrial interviewer should be assessing the defendant's risk factors with regard solely to flight, appearance and community risk. Once this information is obtained, verified and scored it is then up to the judicial officer to weigh the circumstances of the instant offense in the decision-making process. This was met with very strong opposition by the

County Attorney's Office and an agreement was made to entertain modifications to the instrument.

As a result of numerous committee meetings modifications were made to the instrument and a final draft was agreed upon in December 1999 (Appendix # 2). This instrument included a section outlining high bond or no bond cases, factors requiring consideration of financial bond and points assessed for crimes of violence with physical injury, weapon use and violent or non-violent prior convictions.

The new instrument was then applied to a sample of 155 cases that had been used in the Pretrial Services Resource Center's study. The results revealed the greatest impact was that 94 of the 155 cases (60%) could be required to post bond, as opposed to 24 (15%) using the PSRC matrix and 59 (38%) in the existing matrix. There also was a 9.8% reduction in the number of defendants released on their own recognizance (ROR). The changes appeared to be due to additional points assigned for victim injury, use of weapons and additional FTA's. Furthermore, the instrument increased the recommendations for financial (as opposed to ROR or PSA) release. The final result of the test of the newly modified release instrument indicated a potential increase of 22% of those remaining incarcerated.

As a result of the increase in sanctions of the modified instrument it was not accepted by Maricopa County Court Administration for implementation. No agreement could be reached on the originally recommended instrument and the County Attorney refused to accept its application. This impasse could not be breached and the PSRC instrument was never resurrected or implemented.

Dynamic Assessment Tools Presently Used in Maricopa County on Adjudicated

Defendants

Andrews and Bonta (1994) identify two risk categories of risk factors: static and dynamic. Static factors (i.e. age, previous convictions) are aspects of the offender's past that are predictive of recidivism but cannot be changed. Dynamic risk factors, or what Andrews and Bonta, commonly refer to as criminogenic needs (e.g., antisocial cognitions, values, and behaviors), are, changeable and thus serve as the appropriate targets for treatment (Andrews et al., 1990a).

Based on this research, the Maricopa County Adult Probation Department contracted with Dr. David Simourd, a Canadian forensic psychologist and a leading researcher in the field of criminal behavior to develop a tool to be used at the presentence stage. The Offender Screening Tool, or the OST, is a general assessment tool developed by the Maricopa County Adult Probation Department with the assistance of Dr. David J. Simourd. It is designed to provide a baseline assessment of an offender's risk and needs.

Maricopa County Adult Probation Offender Screening Tool (OST)

The Offender Screening Tool (OST) is administered on all defendants who are seen by the Presentence Division (Appendix #3). The OST has been incorporated into the presentence questionnaire to provide a seamless process of gathering offender information. The OST assists in the gathering of information on static and dynamic criminogenic factors in ten different categories. Dynamic factors can change with treatment and intervention. Static criminogenic factors are those which cannot be changed, such as age at first arrest. The ten categories are:

- Physical Health and Medical
- Vocational and Financial
- Education
- Family and Social Relationships

- Residence and Neighborhood
- Alcohol
- Drug
- Mental health
- Attitude
- Criminal Behavior

As the scores in each category increase, so too do the levels of risk and the severity of need for treatment or intervention. The combined scores of all ten categories reflect a total risk score. Furthermore, the information in the OST helps identify the level of risk of an individual to re-offend (low, medium or high) and the categories can point to areas where the individual might need services.

Since the OST was implemented, data from the OST has been periodically reviewed to help determine if it is a valid and reliable risk-needs assessment tool. At this time, the Probation Department confidently reports that the OST, is indeed, a valid and reliable tool. An evaluation of the instrument has been found to possess the following:

- Inter-Rater Reliability has been demonstrated in the implementation of the OST. Observations of interviews conducted at presentence revealed that the observer and the PSI (presentence investigation) screener obtained very similar results. The high level of correlation between the two OST scores indicates that when those who administer the OST are properly trained, the OST results can reach a high level of consistency.

- The OST has good internal consistency. Items were included in the OST based on a belief that all of them are factors that contribute to an individual's risk to re-offend. If this is true, all of the items in the OST should be related to each other. "The statistical test for this, called Cronbach's Alpha, revealed that the relationship

between the items on the OST is acceptable."[64] This lends to the confidence that the OST is a good overall measure of risk.

- The OST has "face" validity. Although this type of validity may be the easiest type of validity to achieve, it is important to the credibility of the OST. It means that an outside observer could look at the OST and believe that it is a tool intended to assess risk to reoffend (rather than a tool for assessing driving capabilities, for example).

- The OST has concurrent validity. Concurrent validity is a form of criterion validity and looks at whether the OST is related to some other known measure of risk. One of the measures most commonly associated with risk is criminal history. The OST demonstrates that those who are assessed as low risk have a less extensive criminal history than those assessed as medium or high risk.

The OST has been through a long process of refinement. During its first phase, a unit of presentence officers tested the OST over an eighteen-month period and met regularly to edit and improve its content and flow. It was piloted and the results evaluated by the Arizona State University School of Justice Studies. The drug, alcohol, mental health and medical scales were found to be valid when compared with the *Addiction Severity Index*. Face validity was found to exist in the remaining scales. All scales were determined to be reliable and it was validated on the Maricopa County adult offender population.[65]

Phase II of the OST arose with the introduction of a variety of cognitive/behavioral programs in the Maricopa County Adult Probation Department. A need was recognized to expand the OST into other categories such as criminal attitudes and behavior. David J. Simourd, Ph.D., a forensic consultant, assisted Maricopa County Adult Probation with this project. The revised and final edition of the OST is a result of these combined efforts.

Maricopa County Adult Probation Modified Offender Screening Tool (MOST)

The Modified Offender Screening Tool (MOST) is a shorter version of the OST designed to be administered and scored more quickly than the original version. It was created using data on all cases assessed through the Maricopa County Adult Probation Presentence Division between October 1, 2000 and December 29, 2000. This means the data was collected from the jurisdiction of Maricopa County. Using statistics, items were selected from the OST that are best at explaining the variation in total OST scores and in the total number of offenses. It was statistically determined that the items to be used for the MOST are statistically and practically relevant. [Statistically relevant means that the item explained a statistically significant amount of variation in total OST score and total offenses. Practically relevant means that the item is recognized by theory and practice as relevant to criminal behavior.][66] The final version of the MOST contains eight items, five of which are dynamic, drawn from the original 44 items of the OST (Appendix #4). The MOST maintains the key elements of effective assessment. The MOST includes: multiple risk factors, both static and dynamic risk factors, and risk factors that are some of the strongest predictors of criminal behavior. Because the MOST is based on the OST, the Adult Probation Department has confidence that the MOST is a valid tool. However, research on the MOST will be ongoing.

"Numerous decisions and compromises must be considered when developing an offender assessment instrument. Items selected for inclusion in an assessment instrument, particularly those to be used in applied contexts must attend to variables that address relevant theoretical, empirical, and practical matters. The process and ultimate selection of OST items into the MOST was based on a balance of these relevant considerations."[67] Some items (e.g., prior felony, and prior adjudications) were included because they had the greatest statistical

connection within the current data. Others (e.g., current drug effects, number of alcohol arrests, employment history) were included because they had modest statistical connection within the current data and were supported by the general correctional research literature on their relevance in criminogenic assessment. "Finally, some items (e.g., partner, peers non-conformist attitude) were included because they had great practical utility in spite of their generally weaker statistical connection within the current data. The end result is a comprehensive assessment instrument that is brief, yet empirically and rationally sound."[68]

The Development of A Newly Revised Bail Classification Instrument

One of the most important functions of any pretrial program is to gather as much accurate and verified information as possible about an arrestee so that it can be used to set conditions of release. The Pretrial Services Agency in Maricopa County is committed to expanding our resources to allow for increased information gathering and to improve our verification methods in an effort to ensure that the court will have as much information as possible to allow judicial officers to make informed release decisions.

The fundamental, immediate goal of this research project is to develop an alternative bail classification instrument for the Maricopa County Pretrial Services Agency. The instrument will contain components of the existing interview, the jurisdictional specific research provided by the Pretrial Services Resource Center study and the static and dynamic criminogenic factors identified in the adjudicated population study conducted by the Maricopa County Adult Probation Department. The instrument will be implemented by the Agency, if proved to be sufficiently more effective in classifying defendants on their likelihood of pretrial misconduct.

Long-term goals include the development of an automated instrument that will allow for the collection of data through a management information system. This data can provide a

snapshot of the pretrial population and can be continually evaluated to insure that release instruments are responsive to local jurisdictional factors. This will allow for continual evaluation of the efficacy of the instrument and provide mechanisms for easy adjustment to ensure responsivity. This allows the Pretrial Agency of Maricopa County to provide judicial officers with information based on the most currently validated research allowing for an increase in confidence in release decisions. It is believed, with the implementation of this instrument unwarranted detentions will decrease.

Objective risk assessment instruments are valuable tools that can assure consistency, equitability, visibility and testability.[69] The age of technology has provided access to a large bank of data that allows for assessing and revising these tools, to assure that the criteria used is valid, and most accurately reflects the changing circumstances of our jurisdiction. Such periodic re-assessment is vital to maintaining a tool that accurately assesses risk in the *local* jurisdiction.[70] Our system is continually bombarded with new issues and the complexion of our jail population is ever changing. Incarcerated populations now include juveniles, the mentally ill, substance abusers, domestic violence arrestees. The standard risk assessment tools were developed for an adult defendant population and do not necessarily address the special circumstances of many of our arrested defendants. Included in the development of this instrument is the plan to undertake a research effort to identify the salient factors in our jurisdiction and their associated risks and to refine the instrument to reflect these considerations.

The impetus for this research project is diverse. Maricopa County PSA is providing release eligibility information to Maricopa County Hearing Officers and judges using an instrument that was based on the original Vera point scale used in the Manhattan Bail Project (Ares, Rankin, and Sturz, 1963). The current Maricopa County Bail Matrix has never been

properly validated, leading to concerns of unwarranted detention. Furthermore, the increasing

jail population (currently an average daily jail population of 8300 in a facility designated to hold

5600) juxtaposed with a decreasing pretrial release population and the under-utilization of

release options requires officials to carefully evaluate current practices. As a result, the

implementation of a new tool, showing research-based results that lower recidivism rates and

support sound release decisions is badly needed. "Research clearly indicates a valid assessment

tool must include dynamic factors in addressing the complex issues facing the court in assessing

defendants."[71] The search for a valid assessment instrument remains a top priority for the

Pretrial Services Agency of Maricopa County

METHODOLOGY:

The general research design for this project entailed running a bail instrument designed

for the purposes of this project on a sample population of pretrial defendants. The instrument

was used as a measure to predict outcomes for this research. In the initial project phase, a bail

classification instrument was developed using information obtained from risk assessment

literature, a study of research driven risk instruments and a review of Arizona criminal codes and

statutes governing pretrial release decision-making. The final instrument contained scoring

sections for defendant demographic data, criminal history information and risk/need areas

encompassing dynamic criminogenic factors (Appendix #5).

Development of the Bail Scoring Instrument

Current Scoring Instrument

The current bail instrument used by the Maricopa County Pretrial Services Agency for

determining release is a matrix design (Appendix #6). The matrix consists of two axes. The

horizontal axis reflects six levels of charge severity and the vertical axis reflects four levels of a

calculated probability of failure. The probability of failure is based on an additive scale that

consists of seven factors associated with the risk of failure to appear or pretrial arrests:

- Prior FTA history
- Police documents indicating their belief the defendant might flee
- Charges involving property and/or drug offenses
- Defendant lives alone
- Charges involve robbery
- Police report risk of flight plus prior FTA's
- Police report risk of flight plus defendant lives alone

Points/weights are assigned to each of the seven items. PSA staff tallies all the points for which

the defendant has received scores. Based on the total risk score, the defendant is assigned to one

of four risk groups. The lower the score the lower the assigned level of risk. However, the risk

score can be modified if one of two conditions exist: 1) use of a weapon in the commission of the

crime and/or 2) injury to the victim in the commission of the crime. Based on the final risk level designation and the appropriate charge severity level, the defendant is assigned to a single cell in the matrix that provides for a recommendation for release. These release recommendations range from Own Recognizance (OR)/Standard conditions to no OR and bail amounts as high as $157,000.

Pretrial Resource Center Recommended Bail Instrument

The proposed instrument recommended by the Pretrial Services Recourse Center was developed in 1999. The instrument was developed with the recognition, first and foremost, of the law as set out in the State statutes that address release decisions. The instrument also takes into account the provision in the Arizona law that affords judicial officers the opportunity to detain persons without bond if, after a hearing, the court finds clear and convincing evidence the defendant poses a substantial danger to another person or the community. Thus, the proposed instrument begins with a list of situations in which the court might hold the defendant without bail, such as: when the defendant is charged with a capital offense (A.R.S. § 13-3961.A); a dangerous offense against a child (A.R.S. § 13-3961.E); or is found to be a danger to the community (A.R.S. § 13-3961.B). It also contains a specific recommendation regarding defendants who are drug users, since the statute requires the court to consider the defendant's drug use when determining conditions of release (A.R.S. § 13-3967.C). The instrument also recognizes the unique status of a defendant who is on probation or parole at the time of the arrest, and the recommended course of action when a probation/parole violation is imminent and when that information is unavailable. Finally, the instrument recognizes that, regardless of risk level otherwise identified, it should always be a condition of release that the defendant not have contact with any victim and/or witness in the case. The proposed instrument was submitted with the caveat that it

should not be considered the final instrument. Instead, the implementation of a mechanism for continual evaluation and revision was recommended.

Project Test Instrument for Bail Review

The bail instrument developed for the purpose of this project is a scoring document utilizing a cumulative point system (See Appendix #5). The top of the document contains an area entitled "Release Considerations." There is a check box containing non-bondable offenses that do not require a hearing to determine dangerousness. These include capital offenses and probation/parole violations or holds. There is a second check box entitled "Additional Considerations." This contains boxes that may be check for the following: INS Hold; Violent Crime; Harm to Victim; Fugitive of Justice; Dangerous Crime Against Children. These are all areas that the judicial officer may consider requesting additional sanctions with regard to release and they can easily identify these cases with the addition of this section. This section of the document mirrors that of the recommendation from the Pretrial resource Center, in that it first and foremost considers the Arizona statutes concerning pretrial incarceration and release.

The scoring section of the document was developed to encompass areas found to be statistically significant through prior research, those to be found relevant in the Pretrial Resource Center study and those areas thought to be relevant in regard to current research on static and dynamic risk factors. As a result the document contains scores regarding prior criminal history, FTA history and residential status. The following areas were included based on research-based relevancy and the PSRC study and can be found in the Demographic Factors

- Defendant on pretrial release at time of arrest
- Defendant is unemployed
- Defendant has no fixed or verifiable address
- Defendant has no family ties/contact with family in the area
- Defendant is under the age of 21

Additionally, the Offense Factors section also includes scoring areas previously found to be statistically relevant and those borne out to be statistically relevant in the PSRC study. These include:

- Defendant has two or more FTA's
- Defendant is charged with a property offense

Based on the current research in the literature review and the studies conducted on post-adjudicated defendants by the Maricopa County Adult Probation Department additional scoring items were added that slightly diverge from those contained in the PSRC proposed instrument. Those include:

- Defendant has one FTA
- Defendant has two or more prior convictions (include both adult and juvenile)
- Defendant has a previous felony conviction
- Defendant was 16 or younger at the age of first arrest

Also included in the new instrument is the section that scores "Criminogenic Factors." This section contains those factors that are dynamic in nature and can be changed on the initiative of the defendant. This would allow for the defendant to have a change in score upon a subsequent arrest if they have improved any of these factors that are considered to be criminogenic risks. This section includes the following scoring items:

- History of mental health issues
- Significant companion relationship
- Peer/associate relationships
- Two or more alcohol related arrests
- Drug involvement at time of offense
- Criminal attitudes
- Defendant's formal education does not exceed the 8th grade

This section is scored using the administration of the OST as the guiding tool for assessing whether points should be assessed. If upon scoring the OST the defendant has accumulated

points in any of the companion sections then the box is checked and points are assessed on the

bail classification instrument.

Upon completion of the scoring the point scale contains five categories for recommended

release. The lower the score the less restrictive recommended release condition is applied. The

areas for score include: ROR 0-10 points (own recognizance release); Supervision 11-21 points

(this specifically means PSA supervision); Intensive Supervision 22-32 point (PSA supervision

with additional terms, e.g. drug testing/treatment); Intensive Supervision + Additional Terms

(Intensive PSA supervision with restrictive terms such as electronic monitoring, curfew, and/or

house arrest); Restricted Release (incarceration, bond, bond with release to electronic

monitoring).

Lastly, the form contains a section that allows the Pretrial Service Officer who conducts

the interview and who is experienced in case management of criminal offenders to make

recommendations regarding terms of release for those individuals who are to be placed under the

supervision of the Pretrial Services Agency.

Upon completing development of the bail classification instrument a sample was supplied

to 10 professionals in the pretrial services field. The instrument was either e-mailed or hand

delivered to these individuals. Feedback was requested on the newly developed instrument.

Feedback was obtained from all 10 individuals. As a result of this feedback minor scoring

modifications were made to the instrument. There was also a small change made in the design of

the instrument to assist in the ease of administration.

Sample Population

A sample population needed to be chosen for the completion of this project. A meeting

was conducted with the Maricopa County Research and Management Analysis Unit to inquire as

to the best method of sample collection. Due to the time constraints of this project, it was

determined that the instrument would not be able to be automated. It was also determined that

the sample could not be run on a "live" population as final disposition data, needed to measure

instrument success, could not be obtained within the time constraints. As a result, a

determination was made to obtain a sample population from a previous study that would provide

comparable information on the currently used bail matrix; a Pretrial Services Resource Center

recommended release instrument and the newly developed instrument. Further benefit of using

this sample included the ability to research files and obtain social history information contained

in presentence reports as well as disposition information regarding release and final sentencing

throughout the life of the case. Additionally, access was obtained to the Adult Probation

Presentence and Supervision databases. This wide range of available information provided the

greatest chance of obtaining all the needed information for the full and accurate completion of

the newly developed scoring instrument.

In May 1996 data had been collected for the Maricopa County Superior Court for the

State Court Processing Statistics (SCPS), a Bureau of Justice Statistics (BJAS) funded project

administered by the Pretrial Service Resource Center. SCPS, formerly called the National

Pretrial Reporting Program (NPRP)< began in 1983 and since 1988 has been a biennial data

collection series in 40 jurisdictions, representing the 75 largest counties in the United States.

This provided a ready-made database of all the felony cases incoming into the system in

Maricopa County.[72] The 1996 sample was comprised of 836 cases.

In 1999, the Pretrial Service Resource Center determined that while use of the 1996

SCPS data provided a good beginning in sample identification and data collection, it was still

necessary to identify a supplemental sample of cases where the defendant failed to appear, was

rearrested, or both. It was also necessary that these supplemental failure cases had originated during the same time frame as the cases in the 1996 SCPS data. As a result, PSA staff searched for cases that originated within the six-month time frame encompassed in the SCPS study. To complete their study the Pretrial Services Resource Center determined they needed to be able to make meaningful comparisons between those who succeed and those who fail on pretrial release. They determined that obtaining a sample size of 250 cases in each of the following four categories was sufficient to make such comparisons: Defendants who were released and did not fail to appear or get rearrested; defendants who were released and had at least one FTA; defendants who were released and had at least one re-arrest and: defendants who were detained throughout the pretrial period. In actual fact the PSRC was not able to obtain 250 cases in all categories and completed their study with a total sample size of 875 cases.

For the purposes of this study the sample used by the Pretrial Service Resource Center in 1999 (based on the 1996 SCPS data) was obtained. From this sample only cases with Superior Court or Justice Court case numbers could be used in order to either query those databases or pull court files to obtain additional information. This left a total sample of 155 cases to work with. As the project progressed, it became necessary to pull the court file for every case. As some of the files could not be found and some contained incomplete information, which did not allow for the accurate completion of the bail instrument, a remaining sample of 123 cases was used for this project.

Data Collection

Data collection began in November 2001 and was completed by December 30, 2001. The information was collected after all court files identified in the sample had been ordered and obtained. At that point, this writer reviewed each file in an attempt to obtain information from

the pretrial release paperwork and the presentence report to properly score the bail classification instrument. Access was also obtained to the electronic Adult Probation Presentence/Supervision database, so cases could reviewed and comparisons could be made to the presentence OST scoring document (a part of the presentence questionnaire).

Once all of the instruments were scored the data from each bail review instrument was entered into an Excel spreadsheet and an SPSS database for the purpose of conducting statistical analysis. Information as to the actual release condition received and the final disposition on each of these cases was also entered for further comparison as to trends in release. The data was then run against that collected by the Pretrial Service Resource center in 1999 and SCPS in 1996. Attempts were made to compare the data for statistical significance by cross-sectioning each of the obtained data components.

Obstacles

The biggest obstacle in completing the data collection for this project was the lack of an integrated automation system for Maricopa County Superior Court. As a result, all of the information had to be gathered by ordering "hard files" and all of the data had to be collected by manually completing the bail instrument and then entering the results in an automated system. Furthermore, many of the files took anywhere from three to four weeks for the Clerk's office to locate. Also, not all of the files contained enough social history information to adequately complete the bail instrument. Once it was discovered that this was a problem, the Adult probation Department agreed to provide electronic access to their databases to assist with the project. As their automation system had only been in place since 1996, data in that system was also discovered to sometimes be incomplete. However, using a combination of both the court

files and probation's automated database enough information was obtained to complete the bail instrument.

FINDINGS

In 1999, the Pretrial Services Resource Center conducted a validation study on Maricopa County's Pretrial Bail Matrix and concluded that improvements could be made in the assessment of pretrial risk. The results of the study conducted for this project also support the conclusion that pretrial risk assessment can be improved; however, specific recommendations cannot be made as the data is inconclusive and requires further testing. Although, the proposed instrument in this study provided data, which cannot conclusively support the hypotheses regarding pre- and post-adjudicated risk indicators in determining release recommendations, the data does provide some interesting statistics that will be used in a future study. The upcoming study will be conducted by Maricopa County Pretrial Services in the summer of 2002 and will use the indicators from this study and be modified to address the obstacles and shortcomings encountered during this project. The framework of this future study will be discussed further in the Conclusion section of this document.

A sample of 155 cases from the 1999 study conducted by the Pretrial Service Resource Center was used as the initial data sample for this study. Due to the inability to obtain some court files and/or to obtain the needed social history for the completion of the test bail classification instrument, the final study sample consists of 123 cases. The 123 case sample is then further broken down to obtain a more accurate picture of the sample population. The breakdown categories used are: 1) those defendants with one or more FTA's; 2) those defendant's with one or more re-arrests and; 3) those defendants with no FTA's or re-arrests. These categories were chosen to coincide with pretrial's ministerial responsibility to assess risk of FTA and/or re-arrest while on pre-adjudicated status. The breakdown of the study sample is depicted in Table 1.

TABLE 1

Breakdown of Sample Population

Sample Group	N
One or more FTA's	80
One or more Re-arrests	13
No FTA's or Re-arrests	30
Total	**123**

Table 2 was provided in the Pretrial Service Resource Center Study and shows a list of variables

and the significance of their relationship to FTA and re-arrest. As the table shows, several

variables, to include: 1) property offense; 2) one prior FTA; 3) two or more FTA's; 4)

unemployment and; 5) on pretrial release at the time of the arrest were found to be predictive of

both FTA and re-arrest. PSRC's study found some variables such as: 1) prior convictions; 2)

unverified address and; 3) no family in the area were related to FTA but not to re-arrest. It was

also discovered that one variable – being 21 years old or younger – was associated with re-arrest,

but not FTA. The variables not married, and on probation or parole at the time of arrest were

found not to have a statistically significant relationship to either FTA or re-arrest. The table

clearly underscores the fact that although the current risk system does identify defendants

according to their probability of failing to appear and/or being arrested, there are other items

used that are not associated with risk factors. Furthermore, PSRC found that there were items on

the risk assessment instrument associated with FTA and re-arrest but that did not play a major

role in determining the defendant's risk level

Table 2

PSRC FTA/Re-Arrest Analysis

Proposed Risk Scoring Items	One or More FTA's	Rearrest
OVERALL RATES	31.1%	27.2%
Property Offense	37.7%	38.5%
One Prior FTA	26.1%	22.3%
Two or More Prior FTA's	43.2%	32.4%
Prior Convictions	35.1%	27.3%
Not Employed	36.7%	29.5%
Address Unverified	33.8%	26.8%
Not Married	29.0%	22.0%
No Family in Area	36.5%	27.2%
21 Years Old or Younger	27.9%	32.8%
On Probation at Time of Arrest	18.2%	20.5%
On Parole at Time of Arrest	20.8%	10.0%
On Pre-Trial Release at Time of	50.9%	42.5%

(Chart provided from Pretrial Resource Center Report on Maricopa County Bail Study, 1999)

Table 3 contains a comparative description of those items contained in the presently used matrix, those contained in the PSRC study and those proposed in this project. The inclusion of this table highlights the differences and similarities in these instruments. It is important to note, that neither PSRC's instrument or the newly proposed instrument score or rely on the indicator - police assessment of FTA - as this was not found to be statistically significant as a risk indicator in prior studies. It is important to note, however, it is the single most scored indicator in the current system and dominates the results in determining risk.

score in all categories supporting the idea that those needing the greatest amount of intervention are those defendants who receive the greatest amount of court attention/intervention. Certainly, this theory would need to be borne out with further data collection and evaluation and could constitute a study in and of itself.

Table 7

Disposition Outcomes In Relation To Risk Factors

Risk Items	Bench Warrant	DOC	DOC w/consec. Prob.	Dismiss	Probation	Summary Probation
Pre-trial Release	3	14	1		17	
Unemployed	3	21	2	2	56	
No Fixed Address	1	14	1		30	
No Ties	3	13	1		23	
Under 21					15	
One FTA		1	9		12	
Two or More FTA's	1	13	1	1	39	1
Two Convictions	2	26	2	2	60	1
Previous Felony		26	2	2	36	
Property	1	13	1	1	21	
Less 16		7	1	1	24	
Mental Health	1	7			13	
Companion	3	16			24	1
Peer	5	24	1	1	47	
Two or More Alcohol Arrests		10	1		21	1
Drug	5	22	1	1	61	3
Criminal Attitudes	3	25	1	1	49	
Less 8th Grade	2	4			8	
	13	**16**	**14**	**9**	**16**	**5**

Attempts were made to further analyze the predictive ability of O.R. release versus PSA release and eventual FTA status. As only 7 of the 123 cases fell into this category, the analysis cannot be performed. It is hoped that this information can be analyzed in a future study with a larger sample size.

have the least across the board validity are: 1) under 21; 2) 1st criminal involvement before the

age of sixteen and; 3) mental health issues. It is important to reiterate that this information may

very well be skewed as a result of the sample size.

Table 5

Release Outcomes v. Risk Factors

Risk Items	Bond	Bond/PSA	No Bond	OR	PSA	Summons
Pre-trial Release				1		
Unemployed	60	4			4	
No Fixed Address						
No Ties				3		
Under 21	7	1	1		1	
One FTA						
Two or More FTAs		1				1
Two Convictions	62		10	13		1
Previous Felony			9			
Property					1	
Less 16		1	3		2	
Mental Health	12		2			
Companion				11		
Peer						
Two or More Alcohol Arrests						
Drug	56	4	10	16	5	2
Criminal Attitudes		4			5	
Less 8th Grade	8			1		

Further extrapolation of the data shows that of the factors, proposed only, in the new

instrument, the significant indicators regardless of the type of release are: 1) drug involvement at

the time of the arrest and; 2) criminal attitudes. The least significant determinates are: 1) mental

health issues and; 2) less than an 8th grade education. (Again the data for the least significant

determinants may be skewed by the sample size and the hypotheses needs further testing).

Additionally, in a supplemental study a recommendation will be made to change the watershed

mark for scoring education from 8th grade to less than 12th grade (or anything under a high school education).

Table 6

Release Outcomes in Relation to Proposed Risk Factors

Risk Items	Bond	Bond/PSA	No Bond	OR	PSA	Summons
Two or More FTA's						1
Less 16			3			0
Mental Health	12	0	2	4		0
Companion		0		11	0	0
Peer	53		9	9		0
Two or More Alcohol Arrests		0		4		0
Drug	56	4	10	16	5	2
Criminal Attitudes	54	4	8		5	1
Less 8th Grade	8	0		1	0	0

Further analysis of the data was conducted comparing the scored risk factors with disposition information. This data is contained in Table 7. The table reveals of those defendants, who FTA'd, the highest risk predictors are: 1) drug involvement and 2) negative peer associations. Of those defendants sentenced to a term of imprisonment in the Department of Corrections the greatest risk indicators are: 1) more than two prior convictions; 2) criminal attitudes and; 3) a prior felony conviction. For those defendants receiving a probation grant the most significant indicators are: 1) involvement with drugs, 2) two or more convictions and; 3) unemployment. The table also reflects the total number of items scored in each category per disposition type. It is interesting to note the defendants receiving a disposition of incarceration in the DOC or a probation grant scored in every risk category contained within the instrument. The defendants who had their cases dismissed only scored in 9 out of the 16 categories and defendants who were placed on summary probation (the least restrictive of the dispositions) only scored in 5 areas of the instrument. A theory may be that those receiving DOC or probation

score in all categories supporting the idea that those needing the greatest amount of intervention are those defendants who receive the greatest amount of court attention/intervention. Certainly, this theory would need to be borne out with further data collection and evaluation and could constitute a study in and of itself.

Attempts were made to further analyze the predictive ability of O.R. release versus PSA release and eventual FTA status. As only 7 of the 123 cases fell into this category, the analysis cannot be performed. It is hoped that this information can be analyzed in a future study with a larger sample size.

Table 7

Disposition Outcomes In Relation To Risk Factors

Risk Items	Bench Warrant	DOC	DOC w/consec. Prob.	Dismiss	Probation	Summary Probation
Pre-trial Release	3	14	1		17	
Unemployed	3	21	2	2	56	
No Fixed Address	1	14	1		30	
No Ties	3	13	1		23	
Under 21					15	
One FTA		1	9		12	
Two or More FTA's	1	13	1	1	39	1
Two Convictions	2	26	2	2	60	1
Previous Felony		26	2	2	36	
Property	1	13	1	1	21	
Less 16		7	1	1	24	
Mental Health	1	7			13	
Companion	3	16			24	1
Peer	5	24	1	1	47	
Two or More Alcohol Arrests		10	1		21	1
Drug	5	22	1	1	61	3
Criminal Attitudes	3	25	1	1	49	
Less 8th Grade	2	4			8	
	13	**16**	**14**	**9**	**16**	**5**

CONCLUSION

The point of arrest is the defendant's first exposure to the criminal justice system. At the time of arrest each defendant is assessed in an effort to determine his risk to fail to appear for subsequent court hearings and his risk to re-offend while in the community and pending adjudication. The Pretrial Services Agency is responsible for this assessment in Maricopa County. They gather information on the current offense, defendant's criminal history and social history and complete a Bail Matrix Instrument that provides guidelines for release conditions. This information is then provided to a judicial officer who makes the final release conditions determination. The Bail Matrix Instrument has not been modified for a number of years and is comprised primarily of scoring items that are static in nature. A great deal of research exists with post-adjudicated defendants in the area of assessment supporting the significance of using instruments that contain both static and dynamic factors. Criminogenic assessments are a vital part of effective offender case management in the post-adjudicated population. Extensive research has shown the value in using assessment to ensure defendants are supervised at the appropriate level. In many jurisdictions it is difficult to complete a comprehensive assessment process, which can lead to the omission of important information and potential mis-classification and/or inappropriate delivery of service to defendants. The question arises, since most pre-adjudicated defendants are the same population that becomes post-adjudicated, is it valid to use some of the same factors in determining risk?

The development of a bail classification instrument containing static and dynamic factors was developed for the purpose of this project. The instrument was tested on a sample population to determine its validity. A final determination of validity could not be made at the conclusion of the project as the sample did not provide enough information to conclusively prove the proposed

premise risk factors for both pre- and post-adjudicated defendants are similar. Despite the inability to reach any definitive conclusions, the data did provide interesting indicators that can be addressed in a future study. Findings indicate that measurements of negative peer associations and drug involvement increase risk for failure to appear. Additionally, criminal attitudes appear to play a significant role in criminal involvement and should be further scrutinized as a scoring factor on a bail instrument. Drug involvement at the time of arrest is a factor across the board no matter what the release or disposition outcome. A future study will measure past exposure to treatment in an attempt to determine both the static and dynamic aspect of this risk area.

Future Study

Careful evaluation of this project reveals numerous factors that need to be addressed to continue with this study with the end result of recommending a new bail classification instrument for use by Maricopa County Pretrial Services. Some of the obstacles in trying to run this study are already being addressed in other areas of the court and will assist in the completion of this project. The parameters for the continuation of this project are set forth in this section.

Suggested Modifications and Implications For Future Study Improvement

1. The implementation of a common case number in the Maricopa County Superior Court. In attempting to complete this project, it became very difficult to track cases from arrest to disposition because a case number is not assigned until the time of case filing. When a defendant is arrested in Maricopa County the County Attorney's Office has a deadline of two business days in which to file their case. A case number is not assigned until that time. Of the people arrested in Maricopa County, approximately 50% have their cases "scratched" (not filed in that 48-hour period of time. Those individuals may later be summoned to court,

or returned through grand jury indictments or direct files with a summons or warrant. The only identifier is the defendant's name, which is not a reliable source to accurately track a case through the numerous databases that need to be queried to obtain a chronological history of case information from **arrest** to disposition as opposed as from filing to disposition. As obtaining the information needed for a pretrial release instrument study needs to occur from arrest onward, this becomes a very difficult process. In the summer of 2002, the Maricopa County Integrated Technology Team is implementing the common case number in Maricopa. They intend to use the booking number, which is assigned on each and every arrest as the identifier. This will allow for greater ease in tracking all cases and will assist in making data collection for a future project far easier.

2. As outlined in the previous paragraph, case tracking is extremely difficult due to the large number of scratched cases in Maricopa County. In addition, all of the cases with the exception of grand jury indictments and direct files originate out of one of the 23 Justice Courts in the county. The defendants are set for appearance in one of these 23 courts for their preliminary hearing before it is filed in Superior Court. The Justice Court system has a separate database and a different case number identifier as a part of their system. This information is never merged and adds to the difficulty in completing research on Superior Court cases from the time of arrest. It is far easier to track cases once they enter the Superior Court system itself. However, for the purpose of this study needing information that is obtained at the time of arrest requires to examine cases that are still in the Justice Court system. In June 2002, a policy change will have the County Attorney direct filing all criminal cases into the Superior Court system. The Superior Court will handle all

proceedings, including the preliminary hearing. This will facilitate greater ease in data collection for a future study

3. As previously mentioned the data from this project had to be collected from numerous databases that required a great deal of man-hours in searching for information. An integrated criminal justice information system would be extremely beneficial for future data collection. This is currently in the planning stages in Maricopa County and will be realized sometime in the future; however, this ideal may not be realized for the projected future study to be conducted in the summer of 2002. As an alternative, automating the bail instrument and connecting it to a database for management information purposes will assist in the data collection as well as data analysis. The court Judicial Technology Team indicates that they will be able to accomplish this task prior to the start of a future study.

4. Once an automation system is in place for data collection and evaluation cases the bail instrument will be used on a "live" population. This will allow for greater ability to collect data and the opportunity to run both the current bail matrix and the new instrument side-by-side for comparative analysis. This provides the opportunity for a more in-depth analysis of the data.

5. An analysis of a live population allows for greater accuracy in data collection. It also allows for longitudinal studies of risk prediction and recidivism. However, it also adds a new dimension to the study, training and validation. Pretrial Service Officers in the Jail Unit will administer the instrument while they are conducting initial appearance interviews. In order to assure accuracy in data collection, training needs to be conducted on administration. A training manual also needs to be developed. In order to assure validity, observations of the interviews are necessary. A request for assistance from the Arizona State University

Research Department will be submitted. ASU was instrumental in assisting with validity test on the Maricopa County Adult Probation Department MOST and OST and their participation will be instrumental in supporting the validity of the study results.

<u>Summary</u>

In summary, this completed project provided valuable indicators in risk determination that will be further tested in a future study. Of equal importance, lessons learned will provide the basis for modification of the structure of a future study. It is believed the use of the preliminary data received in this project coupled with the implementation of modifications to the study will enable the completion of a statistically valid test that will result in substantive changes to the criteria analysis used in release decisions. This has wide-ranging implications allowing criminal justice agencies to use **statistically validated criteria** based on **current** research to increase their predictive ability of defendant risk while on pretrial release.

ENDNOTES

[1] Citizen's Jail Oversight Committee. Memo to Court Administration Maricopa County Superior Court, Phoenix, AZ. June 1997.

[2] **Release on bailable offenses before trial; definition. C.** In determining the method of release or the amount of bail, the judicial officer shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of evidence against the accused, his family ties, employment, financial resources, character and mental condition, the results of any drug test submitted to the court and whether the accused is using any substance if its possession or use is illegal pursuant to chapter 34 of this title,[1] the length of residence in the community, his record of arrests and convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

[3] **Conditions of Release: a. Mandatory Conditions.** Every order of release under this rule shall contain the following conditions: (1) That the person appear to answer and submit to the orders and process of the court having jurisdiction of the case: (2) That the person refrain from committing any criminal offense; (3) That the person not depart the state without leave of court; (4) If released after judgement and sentence, that the person diligently prosecute his or her appeal. **b. Additional Conditions.** An order of release may include the first one or more of the following conditions reasonably necessary to secure a person's appearance: (1) Execution of an unsecured appearance bond in an amount specified by the court; (2) Placing the person in the custody of a designated person or organization agreeing to supervise him or her; (3) Restrictions on the person's travel, associations, or place of abode during the period of release; (4) Any other condition not included in (5) or (6) which the court deems necessary; (5) Execution of a secured appearance bond; or (6) Return to custody after specified hours.

[4] **Review of Conditions; Revocation of Release a. Issuance of Warrant or Summons**. Upon verified petition by the prosecutor stating facts or circumstances constituting a breach of the conditions of release, the court having jurisdiction over the defendant released may issue a warrant or summons under Rule3.2, to secure the defendant's presence in court. A copy of the petition shall be served with the warrant or summons. **B. Victim's Right to Petition for Revocation of Bond or Modification of Conditions of Release.** After consultation with the prosecutor, and if the prosecutor decides not to file a petition pursuant to section (a) of this Rule, the victim may petition the court to revoke the bond or release on personal recognizance of the defendant, or otherwise modify the conditions of the defendant's release, based on the victim's notarized statement asserting that harassment, threats, physical violence or intimidation against the victim or the victim's immediate family by the defendant or on behalf of the defendant has occurred. **c. Hearing; Review of Conditions; Revocation.** (1) *Modification of Conditions of Release.* If, after a hearing on the matters set forth in the petition, the court finds that the person released has willfully violated the conditions of release, the court may impose different or additional conditions upon his or her release. However, if the defendant has violated the conditions of an appearance bond executed as a condition of release, the court shall determine conditions reasonably necessary to secure that person's appearance in the future. If the violation is not excused, the court shall not impose less restrictive conditions of release. If the court determines that an increase in the amount of a secured appearance bond is necessary, that security shall be in addition to any previously existing security. (2) *Revocation of Release.* The

court may revoke release of a person charged with a felony if, after hearing, the court finds (A) that there is probable cause to believe that the person committed a felony during the period of release and that the proof is evident or the presumption great as to the present charge; or (B) that the person poses a substantial danger to any person or the community, that no other conditions of release will reasonably assure the safety of the other person or the community, and that the proof is evident or the presumption great as to the present charge.

[5] Citizen's Jail 1.

[6] United States, National District Attorneys Association, National Prosecution Standards (Washington, D.C: United States, 1978 138.

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[8] Institute for Judicial Administration 121.

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[12] United States, American Bar Association, Standards Relating to the Administration of Criminal Justice, (Washington, D.C. 1985) 25.

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APPENDIX 1: PRETRIAL SERVICES RESOURCE CENTER PROPOSED BAIL
INSTRUMENT

Check any appropriate box

☐ **Capital Offense:** The defendant may qualify to be held without bail pursuant to A.R.S. §13~3961.A. If the court does not find that the proof is evident or the presumption is great, refer to the assessment score below.

☐ **Dangerous Crime Against a Child:** The defendant may qualify to be held without bail pursuant to A.R.S. § 13-3961.E. If the court determines that detention is not necessary, the PSA will provide intensive supervision, if so ordered by the court.

☐ **Crimes of Violence:** The defendant may qualify to be held without bail pursuant to A.R.S. §13-396l.B. If the state chooses not to move for pretrial detention under this section, refer to the assessment score below.

☐ **Probation/Parole Violation Hearing:** The supervising officer indicates that based on the defendant's non-compliance with conditions ofprobat1on/parolc s/he is seeking a revocation hearing at this time. PSA recommends that the defendant be held pending the outcome of that hearing.

☐ **Probation/Parole, Compliance Unknown:** PSA is unable to ascertain probation or parole compliance. The following assessment assumes that there is no outstanding violation, that the defendant is in compliance with all conditions, and that the P.O. does not plan to seek a warrant at this time.

☐ **On Pretrial Release for Felony:** Pursuant to Article 2, § 15.2 of the Arizona Constitution, thc defendant is to be held without bail if the court finds that proof is evident or the presumption great regarding the present charge. If the court does not make this finding, refer to the assessment score below

POINT SCALE

Risk Item	Points
☐ Defendant on pretrial release at time of arrest	6
☐ Defendant has two or more prior FTAs	6
☐ Defendant is charged with a property offense	4
☐ Defendant has prior convictions	3
☐ Defendant is not employed	3
☐ Defendant has no local fixed verified address	3
☐ Defendant has no contact with family in area	3
☐ Defendant has one prior FT A	2
☐ Defendant is under age of 21	2

Point Total:_____

Assessment:

☐ ROR	0-5 points
☐ Regular Supervision	6-12 points
☐ Intensive Supervision	13-15 points
☐ Intensive Supervision + Financial	over 15 points

Standard Conditions:

☐ **Any case with victim:** The defendant is to stay away from the complaining witness

☐ **Defendant lives with victim:** The defendant is to secure an alternative address.

☐ **Indications of drug use (self-admitted use or current drug charge):** The defendant is to receive testing and treatment as necessary.

Note: In deciding pretria1 release conditions, this information is intended to be used in conjunction with the Form 4 Report submitted by the arresting officer.

APPENDIX 2: MODIFIED PRETRIAL SERVICES RESOURCE CENTER PROPOSED BAIL
INSTRUMENT (DEC. 1999)

DRAFT: 12-07-99

RISK ASSESSMENT INSTRUMENT FOR INITIAL APPEARANCE (I.A.) COURT HEARINGS

Note: In deciding pretrial release conditions, this information is intended to be used in conjunction with the Form 4 **Report submitted by the arresting officer**.

A

	FACTORS REQUIRING HIGH BOND OR NO BOND
1	☐ **Capital Offense:** The defendant may be required to be held without bail pursuant to A.R.S. §13-3961.A. If the court does not find that the proof is evident or the presumption is great, refer to the assessment score (page 2).
2	☐ **Dangerous Crime Against** a **Child:** The defendant may be required to be held without bail pursuant to A.R.S. §13-3961.E. If the court determines that detention is not necessary, the Pretrial Services Agency will provide intensive supervision, if ordered by the court.
3	☐ **Crimes of Violence:** The defendant may be required to be held without bail pursuant to A.R.S. §13.3961.B. If the state chooses not to move for pretrial detention under this section, refer to the assessment score (page 2).
4	☐ **Probation/Parole Violation Hearing:** The supervising officer indicates that based on the defendant's non-compliance with conditions of probation/parole s/he is seeking a revocation hearing at this time. The defendant should be held pending the outcome of that hearing.
5	☐ **Probation/Parole, Compliance Unknown:** PSA is unable to ascertain probation o~ parole compliance.
6	☐ **On Pretrial Release for Felony:** Pursuant to Arizona Constitution, Article 2, §15.2, the defendant is to be held without bail if the court finds that proof is evident or the presumption great regarding the present charge. If the court does not make this finding, refer to the assessment score (page 2).

B

	FACTORS REQUIRING CONSIDERATION OF FINANCIAL BOND
1	☐ Possession of a substantial quantity of narcotics or illegal drugs for sale
2	☐ Failure to Appear on felony or DUI
3	☐ Four or more FTA's
4	☐ Defendant is charged with sexual assault or dangerous crimes against a child(ren)
5	☐ Non U.S. Citizen and Immigration Naturalization status unknown

POINT SCALE

Risk Items:	Points
☐ Defendant on pretrial release at time of arrest	6
☐ Defendant is charged with a crime of violence involving physical injury to the victim..	6
☐ Defendant is charged with a crime involving a deadly weapon	4
☐ Defendant is charged with a property offense	4
☐ Defendant is charged with a prior FTA's on non-traffic cases (except for DUI)	
• One FTA	2
• Two FTA	4
• Three or more FTA	8
☐ Defendant has prior convictions – non traffic cases (except DUI)	
➢ Violent offense(s)	4
➢ Non-violent offense(s)	2
☐ Defendant is not employed	3
☐ Defendant has no local fixed verified address	3
☐ Defendant has no contact with family in area	3
☐ Defendant is under age of 21	2
Point Total:	

Assessment:

☐ ROR	0-5 points
☐ Regular Supervision	6-12 points
☐ Intensive Supervision	13-15 points
☐ Intensive Supervision + Financial	over 15 points

Standard Conditions:

☐ **Any case with victim:** The defendant shall stay away from the complaining witness.

☐ **Defendant lives with victim:** The defendant must secure an alternative address.

☐ **Indications of drug use** (self-admitted use or current drug charge): The defendant is to receive substance abuse testing and assessment.

APPENDIX 3: MARICOPA COUNTY ADULT PROBATION OFFENDER SCREENING
TOOL (OST)

YOUR PRESENTENCE INTERVIEW

The Judge has directed you to meet with a Presentence Officer who will interview you and provide the Court with a report which includes information about you and the offense for which you are being sentenced. The Presentence Report will contain information about you, the police report, and comments from police officers , the defense and prosecuting attorneys, victims, and other interested parties. The Presentence Interview is your opportunity to provide input into this process.

After your initial meeting with the Presentence Officer, you will be given a date to return for your formal interview. ***It is very important you return for your interview as scheduled. If you fail to appear for your interview, a warrant could be issued for your arrest.*** Please have your transportation, employment schedule, child care, etc. arranged before your interview date.

When you return, have the financial statement information filled out completely and have the following information available for the Presentence Officer:

1. Driver's license, state identification, social security card, or any form of identification with your name and picture.

2. Documentation of your education: diplomas, transcripts, G.E.D., etc.

3. Verification of employment: Pay stubs, time sheets, etc. Also provide the name and phone number of your supervisor and whether this individual can be contacted.

4. Verification of residence: rent receipts, mortgage bill, utility payments mailed to your address.

5. Documentation of Financial Assistance: Food Stamps, AFDC, General Assistance, etc. Also provide any form of identification associated with this assistance.

6. Documentation of any State Licenses: real estate, nursing, teaching, etc.

7. Letters of character references from employers, family, friends, etc.

8.   Copies of most recent Federal/State income tax returns.
1100-048 (Rev.8/05/98 – bg)

FINANCIAL STATEMENT

ASSETS: *LIABILITIES:*

Cash on hand	$_____	Home mortgage	$_____
Checking account	$_____	Auto(s) loan	$_____
Saving account	$_____	Credit cards	$_____
Investments	$_____	(list)_____	
(list)_____		_____	
Life insurance		Medical/Dental	$_____
Real estate (home)	$_____	(list)_____	
Rental property	$_____	_____	
Auto(s)	$_____	Other	$_____
Other	$_____		

TOTAL ASSETS: **$_____**   **TOTAL LIABILITIES**   **$_____**

INCOME: **EXPENSES:**

Yours	**$_____**	Mortgage/Rent	**$_____**
Second job	$_____	Utilities	$_____
Spouse	$_____	Auto	$_____
Child support	$_____	Insurance	$_____
Alimony	$_____	Groceries	$_____
Social Security	$_____	Medical/Dental	$_____
Unemployment comp.	$_____	Entertainment	$_____
Disability (Physical)	$_____	Other	$_____
Disability (Mental)	$_____	Child support	$_____
Other	$_____	Alimony	$_____

MONTHLY INCOME   **$_____**   **TOTAL EXPENSES**   **$_____**

If employed, what is your hourly rate? $_____
How many hours per week do you work on average?   _____
Do you work side jobs for cash that can not be verified?   _____
If yes, how much does this contribute to your income on a monthly basis? $_____
How many people do you support solely with your income?   _____

If you own stocks, bonds, mutual funds or other investments, please provide documentation for each. If you receive disability, unemployment, alimony, child support or any other form of income, you must provide the appropriate paperwork to verify this income.

Considering your assets, income and expenses, how much do you think you could pay the Court each month for fines, restitution and other Court fees? $_____

Please provide the following information for the completion of your sentencing report.

Last name _____**F. Name**_____ **Middle**_____

Address _____, _____, _____, _____
             Street   (Apt #) City   State   ZIP

Telephone _____, _____, _____
            Home   Message   Pager

Employer _____, _____, _____
           Name   Occupation   Telephone

_____
Employer's Address

Marital Status   Single/Divorced/Widowed   Married   Separated

Number of children under 18 years of age   _____

Place of Birth _____, _____, _____
        City   State   Citizenship/Country
 Date of Birth _____
           Month / Day / Year

Social Security Number_____---_____---_____

Other names used _____

Scars, tattoos and identifying marks_____

_____

Other cities, states and countries in which I have lived: (beginning with birth place)

_____

_____

_____

_____

Have you ever been on probation or parole before?   Yes   No

If yes:

_____

| **County/State** | **Months/Years** | **Charges** | **P.O. Name** |

_____

| **County/State** | **Months/Years** | **Charges** | **P.O. Name** |

_____

| **County/State** | **Months/Years** | **Charges** | **P.O. Name** |

_____

| **County/State** | **Months/Years** | **Charges** | **P.O. Name** |

I. Physical Health and Medical   (Do **NOT** include mental health issues)

a. Do you have any health problems or physical limitations that will present problems in following through with the conditions of your probation?

<div align="right">1. Yes   2. No</div>

What are they? _____

b. Do you have any health problems or physical limitations that will present problems with your employment?

<div align="right">1. Yes   2. No</div>

What are they? _____

c. Do you receive financial benefits for a physical or medical disability?   1. Yes   2. No

    If yes, please list the source of the benefits: _____

    Is this a partial or total disability?   1. Partial   2. Total

d. Please list any medications you are currently taking or have been prescribed.
    (Do **not** include psychiatric medications)
_____
_____

II. Vocational and Financial

a. What is your current verifiable employment situation?

      1. Stable employment / Disabled ? Retired ? Student? / Financially secure.
      2. Temporarily and/or seasonally employed.
      3. Currently unemployed.

b.   If unemployed, what is the reason?

      1. Arrest resulted in loss of job. 2. Never employed 3. Fired   4. Lay off
      5. Residence relocation   6. Disabled   7. Financially secure 8. Quit   9. Other

c. How many times have you been unemployed (for 30 days or more) over the past three years?

      1. None   2. Once or Twice   3. Three or More times

d.   What is the longest period you have worked for the same employer?

      1. One year or longer.   2. 6 months to a year   3. Less than six months

e. Please list any specific job skill(s), vocational training and/or experience you may have:

_____

_____

f. Have you ever been fired or asked to resign within the past 3 years?   1. Yes   2. No

g. If you have been fired or asked to resign, please describe the reason for your termination(s):

_____

_____

h. Do you hold any professional or occupational licenses or certificates in Arizona?

1. Yes   2. No

   If yes, list the type of license, license number, and state board responsible for issuing the license:
_____

i. From where do you get most of your financial support?

   1. Income obtained through employment.
   2. Income obtained through living partner's employment
   3. Income obtained from family members and/or friends
   4. Income obtained through public assistance / church / social service agency
   5. Income from other sources (insurance, trust fund, illegal means or "other")
       Explain: _____
              _____

j. Generally speaking, are you able to meet your financial obligations?
1. Yes   2. No

III.   Education

| WRAT Test results   Circle one: A   B   N |

a. Which of the following best describes your formal education?

   1. Some higher formal education beyond high school
   2. **Completed** high school or GED certification
   3. Some high School or vocational training
   4. **Completed** Eighth grade or below   Last grade **completed:**_____

b. Where did you attend school?_____

_____

c. Were you ever suspended or expelled from school?   1. Yes   2. No

d. Were you enrolled in special education or remedial classes?

   1. Not involved in any special education classes.
   2. Occasional remedial classes.
   3. Full-time special education curriculum.

IV. Childhood and Development

a. Who raised you?

 1. Biological Parent(s)   2. Other family member   3. Foster care/Adoption   4. Other

b.   Please list the names and addresses of all family members with whom you have regular contact:
_____
_____
_____
_____

c.   Does anyone in your family (parents, siblings) have a criminal record?

                                                         1. Yes   2. No

   If yes, explain:
_____
_____
_____

d. Did you live in the family home until age 16?   1.Yes   2. No

e. Are there any gang members in your family?   1. Yes   2. No

f. Were you aware of any physical or verbal confrontations between the adults (parents or
   guardians) in your home? (How did your family/caregivers get along?)
                                                         1. Yes   2. No

      If yes, how often did this occur? _____
      Do you feel these confrontations had a negative effect on you?   1. Yes   2. No

g. Did you ever personally experience physical or verbal confrontations from the adults (parents or guardians) in your home?

                                                                       1. Yes   2. No

    If yes, how often did this occur? _____

    Do you feel these confrontations had a negative effect on you?   1. Yes   2. No

h. When you were young, how was discipline administered? _____

_____

i. Were you ever hospitalized as a result of being disciplined?   1. Yes   2. No

j. Were you ever sexually abused by anyone as a child?   1. Yes   2. No

    If yes, how often? _____

k. Did you ever attend treatment for sexual abuse issues?   1. Yes   2. No

l. Any further significant childhood events? _____

_____

m. Which best describes the current relationship between you and your family?

                1. Positive   2. Negative or non-existent

V. Social Relationships

a. What is your present relationship status?   How long?_____

    1. Single   2. Married   3. Separated   4. Living together

    5. Widowed   6. Divorced

b. If you're currently in a relationship, please list the name, address and phone number of the individual: _____

c. What best describes your current most significant companion/romantic relationship?

    1. Not in a relationship   2. Strong, loving, supportive   3. Problematic

d. Have you ever been personally involved in physical or verbal confrontation(s) with your companion/romantic partner.

                                                                  1. Yes   2. No

    If yes, how often did this occur? _____

e. Have police ever been called to your home for a domestic problem? (Includes loud arguments)

      1. Never   2. Once or Twice   3. Three or more times

f. Is there abuse in your current social relationship(s)?   1. Yes   2. No

g.   With whom do you spend the majority of your free time?

      1. Alone   2. Family   3. Friends

h. Is there a positive adult role model, mentor or influence, who is concerned for your best interests?

         1. Yes   2. No

   If yes, who are they, and how well do you know them? _____
_____

i. In your opinion, what best describes your current peer and/or associate relationships?

       1. Positive, law-abiding   2. Negative, criminally-oriented

j. Do you have any children? **If "NO" go to Section VI.**   1. Yes   2. No

k. Are you Court-ordered to provide financial support?   1. Yes   2. No

l. Do you provide financial support?   1. Yes   2. No

m. Has Child Protective Services or any other agency sheltered your child(ren)?
    1. There has been no past intervention.
    2. There has been past CPS intervention.
    3. There is current CPS intervention.   Name of CPS case manager_____
    If yes, please describe:_____

VI. Residence and Neighborhood (If in jail, use the six month period prior to incarceration)

a. Describe your most recent living arrangement:

      1. Family or friends   2. Alone   3. Temporary or group home   4. Shelter or homeless

b. Does your most recent living arrangement have a positive or negative effect on your lifestyle?

      1. Positive   2. Negative

c. How many times have you changed residences in the past twelve months?

    1. None   2. Once or twice   3. Three or more times.

d. Do you plan to change residence in the next six months (or upon release)?

                                               1. Yes   2. No

    If yes, list the planned address._____

e. Is there a noticeable criminal or gang presence in your neighborhood? 1. Yes   2. No

f. Are there any gang members in your residence?   1. Yes   2. No

VII. Military

a. Have you ever served in the Armed Forces?   1. Yes   2. No

If NO, go to section VIII.

    If yes, in which branch did you serve?_____

b. Where were you stationed while in the military?

_____

c. Did you ever serve in combat?   1. Yes   2. No

        If yes, where?_____

d. Were you wounded while in the service?   1. Yes   2. No

    If yes, what type of injuries?_____

e. Were any disciplinary actions taken against you?   1. Yes   2. No

f. Were you ever court-martialed?   1. Yes   2. No

    If yes, please describe:_____

g. What type of discharge did you receive?

    1. Honorable   2. Dishonorable   3. Other_____

VIII. Alcohol History

a.   At what age did you first drink alcohol?_____

b. How would you describe your alcohol consumption during the one month period leading up to your current offense?

  1. I did not consume alcohol at all.   2. I drank occasionally, but not to the point of intoxication
  3. I drank occasionally to intoxication. 4. I drank frequently to intoxication

c.   During the one month period leading up to your current offense was your alcohol consumption:

  1. Typical   2. Less than usual   3. More than usual

d.   How many times have you been arrested for any offense as a result of your alcohol use? This
   includes alcohol-related behavior, not just alcohol offenses (e.g., DUI).

  1. Never   2. Once   3. Two or more times

e. In the one month period prior to your offense, did your use of alcohol cause any problems
(financial, legal, personal, health, etc.) in your life?   1. Yes   2. No

     If yes, please describe:_____

f.   Do you have a family member with an alcohol problem?   1. Yes   2. No

g.   When you drink, do you do so by yourself or with friends?

            1. Self   2. Friends

h. Do you feel you currently have a problem because of alcohol use?   1. Yes   2. No

i. Do you think there are people with alcohol problems worse than yours? 1. Yes   2. No

j. Do you think you need alcohol treatment?   1. Yes   2. No

k. Have you ever been involved in alcohol counseling and/or treatment?   1. Yes   2. No
        If yes,
l. Did treatment or counseling help you to gain control over alcohol use? 1. Yes   2. No
        How many times have you participated in treatment or counseling?____
        Where and when did you attend treatment or counseling?_____

***
**Screener, if offense is D.W.I., or alcohol abuse may be an issue, please administer SMAST.
SMAST results: _____**
***
m. Driver license status and location _____

IX. Drug History (*Include all drugs, even those used only once*)

Substance	Age at 1st use	Time since last use	Are you addicted?	How often do you use?	Length of use?	Method of use
Marijuana						
Cocaine						
Speed/Meth.						
Heroine/Methadone						
Mushrooms						
Prescription Drugs (specify)						
LSD, PCP						
Toxic vapors						
Other (specify)						

a. **Any drug use:**   1. No   2. Yes

b. How would you describe your drug use during the one month period leading up to your current offense?

 1. I did not use drugs at all.   2. I used drugs occasionally, but it was not a problem.
 3. I used drugs occasionally and it was a problem.   4. I frequently used drugs.

c. During the one month period leading up to your current offense was your drug use:

               1. Typical   2. Less than usual   3. More than usual

d. How many times have you been arrested for any offense as a result of your drug use? This includes drug-related behavior, not just drug offenses.

               1. Never   2. Once   3. Two or more times

e. In the one month period prior to your offense did your use of drugs cause any problems (financial, legal, personal, health, etc.) in your life?

        1. Yes   2. No

If yes, describe: _____

_____

f. Do you have a family member with a drug problem?   1. Yes   2. No

g.   When you use drugs, do you do so by yourself or with friends?

        1. Self   2. Friends

h. Do you think there are people with drug problems worse than yours?   1. Yes   2. No

i. Do you feel treatment can be beneficial for people with drug problems? 1. Yes   2. No

j. Do you feel you currently have a problem because of drug use?   1. Yes   2. No

k. Do you think you need drug treatment?   1. Yes   2. No

l. Have you ever been involved in drug counseling and/or treatment?   1. Yes   2. No
      If yes,

m. Did treatment or counseling help you to gain control over drug use?   1. Yes   2. No
      How many times have you participated in treatment or counseling?_____
      Where and when did you attend treatment or counseling?_____

X. Mental Health

a. Have you ever received the services of a mental health expert (e.g., psychiatrist, psychologist)?

        1. Yes   2. No

b. Is there any history of mental illness in your family?   1. Yes   2. No
      If yes, who: _____

c. Have you ever been diagnosed with mental illness or mental health disorder?

        1. Yes   2. No

If yes, what was the diagnosis?_____

d. Have you ever been prescribed medication for a disorder or mental illness?

        1. Yes   2. No
      If yes, what medications have you been prescribed:_____

e. Are you currently taking any medication for a mental illness?   1. Yes   2. No

      If yes, do you feel the medication is working?   1. Yes   2. No

f. Have you ever attempted suicide?   1. Yes   2. No

      If yes, how many times?_____
      By what method?_____

g. Do you have any current thoughts about suicide?   1. Yes   2. No

h. Do you currently have a behavioral health case worker?   1. Yes   2. No

      If yes, please provide the name of the worker and agency: _____

XI. Attitude:

a. For the most part, I think that it is okay to commit crime.   1. Yes   2. No

b. I believe that most people would agree there is easy money to be   1. Yes   2. No
   made in crime.

c. I think most people would commit crime if they could get away
   with it.   1. Yes   2. No

d. I think it is okay to have tattoos or bodypiercing.   1. Yes   2. No

e. I believe that society is to blame for many problems in the world.   1. Yes   2. No

f. Sometimes a person has to do whatever it takes to make money,
   even if is not exactly what would be considered 'normal'.   1. Yes   2. No

g. What do you think about being convicted on your current offense?

     1. Justice was served.   2. I was mistreated.   3. Don't care

h. Do you plan to appeal your conviction?   1. Yes   2. No   3. Maybe

i. My current conviction makes me really think hard about trying   1. Yes   2. No
   to change my life.

j. I think I may need some help if I am to change my life.   1. Yes   2. No

k. Will you be upset if you receive some type of community
supervision (e.g., probation, parole, or FARE) for your current conviction?

                                                            1. Yes   2. No

l. Do you think you will have a problem complying with conditions
of some type of community supervision (e.g., probation, parole, or FARE)?

                                                            1. Yes   2. No

m. Do you think the police really help anybody?   1. Yes   2. No

n. Do you think school teachers just like to have power over the students? 1. Yes   2. No

o. Do you think work bosses like to order people to do things?   1. Yes   2. No

p. Have you ever been a member or associate of a gang?   1. Yes   2. No

If yes, name of gang: _____ Gang nickname:_____ Date in gang_____

q. Are you still active in a gang?   1. Yes   2. No

XII. Criminal Behavior

a. How old were you when you were first arrested by the police?

    1. 16 years or younger   2. 17 years or older

    In what cities/states were you arrested?_____

_____
_____
_____
_____

b. Approximately how many previous criminal convictions do you have? (include both adult
and juvenile)   Number : _____

c. Do you have a previous conviction for a felony?   1. Yes   2. No

d. Approximately how many previous felony convictions do you have? Number: _____

e. Do you have any previous convictions that may be considered violent?   1. Yes   2.
No
    If yes, how many?_____

f. Have you ever had a previous probation/parole revoked?   1. Yes   2. No

g. Have you ever been incarcerated in prison for a prior offense?   1. Yes   2. No.

h. What is your present offense designation?   1. Misdemeanor   2. Felony or Undesignated

i. Would your current offense be considered violent?   1. Yes   2. No

j. Would your current offense be considered more serious than your last?

          1. Yes   2. No

Prior Record

a.   Have you ever been investigated or arrested for a prior offense as an adult?

          1. Yes   2. No

        (**If No, go to the Present Offense section.**)

b. Have you ever been investigated for trespassing, loitering, urinating in public or indecent
      exposure?   1. Yes   2. No
      If yes, what were you accused of
      doing?_____
      _____

c. Have you ever been investigated for sexual abuse, harassment or a peeping behavior?
          1. Yes   2. No

d. Have you ever been arrested for threatening or fighting, not domestic violence related?
      1. No   2. Once   3. Less than three occasions   4. More than three occasions

e.   Did you possess or use a weapon in the present offense?   1. Yes   2. No

f.   When you get into trouble, are you usually alone or with friends?
      1. Alone   2. With Friends

g.   Have you ever used a weapon in the commission of a crime?   1. Yes   2. No
      If yes, please describe the situation(s) where a weapon was used:
      _____
      _____
      _____
      _____
      _____

h. Do you have any unresolved offense(s) which may result in a warrant for your arrest?
1. I am unaware of any unresolved offense(s).
2. I have prior offense(s) which have not been resolved, but no current warrants.
3. I have unresolved offense(s) which have resulted in active warrants.

Please specify the above, if
applicable:_____
_____
_____
_____
_____

Present Offense

a. In the simplest words possible, what did you do to get arrested?

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

b. Was anyone injured in this offense? If yes, please describe:

_____
_____
_____
_____
_____
_____
_____

c. What should your sentence be for this offense?
    1. No further action   2. A fine   3. Probation   4. Jail or prison
    5. Other:_____
    _____

d. Why do you feel this is an appropriate sentence? Please give specific reasons.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

**MARICOPA COUNTY ADULT PROBATION
OFFENDER SCREENING TOOL**

Client Name: _____

SID # _____

Screener: _____

I.   PHYSICAL HEALTH/MEDICAL

Health status:

a.   **0**   No problems   **1**   Interferes with probation   _____

b.   **0**   No limitations **1**   Interferes with employment   _____

TOTAL: _____ / 2 X 100   =   _____%

II.   VOCATIONAL / FINANCIAL

a. Current verified employment (or verifiable employment if currently incarcerated):

   0   Employed/retired/financially secure **1**   Unemployed (not including disability)_____

b. How many times has the client been unemployed (for thirty days or more) in the past 3 years?

   0   Two or less   **1**   Three or more   _____

c. Has the client ever been fired or asked to resign from a job within the last 3 years?

   0   No   **1**   Yes   _____

d. Current financial situation:

   0   Able to meet obligations   **1**   Difficulties/unable to meet obligations   _____

e. **Receives regular support through assistance even though capable of financial self-support.**

   0   No   **1**   Yes   _____

TOTAL: _____ / 5 X 100   =   _____%

III.   EDUCATION

a. Level of formal education:

   0   Some H.S. or Voc. Training   **1**   8th grade or below   _____

b. Ever suspended or expelled from school:

0   No   **1**   Yes   _____

c. Reading ability (from the WRAT):

    0   Above the 6th grade level   **1**   Below sixth grade level   _____

                    TOTAL: _____ / 3 X 100   =   _____%

IV.   FAMILY AND SOCIAL RELATIONSHIPS

a. Was the client raised primarily by a biological parent?

    0   Yes   **1**   No   _____

b. Did the client live in the family home until age 16?

    0   Yes   **1**   No   _____

c. Does anyone in the client's family (parents or siblings) have a criminal record?

    0   No   **1**   Yes   _____

d. What is the status of the current family relations:

    0   Positive   **1**   Negative   _____

e. What is the client's childhood history of domestic violence? (As victim or witness)

    0   No history of violence   **1**   One or more incidents   _____

f. What best describes the client's current most significant companion/romantic relationship?

    0   Strong/supportive/loving   **1**   Problematic or no companion   _____

g. What best describes the client's current peer and/or associate relationships?

    0   Positive/prosocial   **1**   Negative (Criminal influences)   _____

h. Does the client associate with at least one prosocial person on a regular basis?

    0   Yes   **1**   No   _____

                    TOTAL: _____ / 8 X 100   =   _____%

V.   RESIDENCE and NEIGHBORHOOD:

a. Client's current residential arrangement: *(If in jail, use the 6 month period before incarceration)*

0   Positive and prosocial   **1**   Negative and/or antisocial   _____

b. Stability of client's residence:

0   Stable for at least 6 months   **1**   Living arrangements unstable   _____
or unverifiable

TOTAL: _____ / 2 X 100   =   _____%

VI.   ALCOHOL *(including present offense)*

a. Total number of alcohol related arrests:

0   None or One   **1**   Two or More   _____

b. Effect alcohol use had on client's lifestyle leading up to the present offense:

0   Manageable use (no significant   **1**   Problem / Interferes with life   _____
disruption to life)   (i.e., social, legal, health, etc.)

c. Client's self-perception:

0   No problem or open to treatment   **1**   Denial / uninterested in treatment   _____

TOTAL: _____ / 3 X 100   =   _____%

VII. DRUG ABUSE *(including present offense)*

a. History of problems with drug use:

0   No   **1**   Yes   _____

b. Effect drug use has had on client's lifestyle leading up to the present offense:

0   Manageable use (no significant   **1**   Problem / Interferes with life   _____
disruption to life)   (i.e., social, legal, health, etc.)

c. Client's self-perception:

0   No problem or open to treatment   **1**   Denial / uninterested in treatment   _____

TOTAL: _____ / 3 X 100   =   _____%

VIII. MENTAL HEALTH

a. History of mental illness (including suicide attempts):

    0   No history   **1**   History of mental illness   _____
                                                                                     admissions/treatments

b. Current mental health functioning:

    0   Normal / stable   **1**   Problems (mild or serious)   _____

                                                TOTAL: _____ / 2 X 100   =   _____%

IX. ATTITUDE

a. Does client have attitudes supportive of crime?

    0   No   **1**   Yes   _____

b. Does client have attitudes that are non-conforming to societal norms?

    0   No   **1**   Yes   _____

c. Does client have a poor attitude about his/her current conviction?

    0   No   **1**   Yes   _____

d. Does client have a poor attitude about community supervision?

    0   No   **1**   Yes   _____

e. Does client have a poor attitude toward authority figures?

    0   No   **1**   Yes   _____

f.   According to the Screener, what is the client's motivation level to improve his/her life?

    0   Good to Fair   **1**   Poor   _____

g.   According to the Screener, this client's need for improvement in attitude is:

    0 None to Low   **1**   Moderate to High   _____

                                                TOTAL: _____ / 7 X 100   =   _____%

X.   CRIMINAL BEHAVIOR

a. Age of first arrest:

    0 17 or older   **1**   16 or younger   _____

b. Number or Prior Juvenile Adjudications and Adult Convictions?

    0 Zero – 2   **1**   3 or more   _____

c. Prior Juvenile or Adult Probation/Parole Revocations (no reinstatements)?

    0 No   **1**   Yes   _____

d. If there are previous convictions, does the present offense generally represent an increase in seriousness?

    0 No   **1**   Yes   _____

e. Present Offense Designation:

    0 Misdemeanor   **1**   Felony or Undesignated offenses   _____

f. Does the offender have any previous felony convictions?

    0 No   **1**   Yes   _____

g. Is the present offense violent?

    0 No   **1**   Yes   _____

h. Does the offender have at least one previous violent offense?

    0 No   **1**   Yes   _____

i. Does the offender have two or more previous violent offenses?

    0 No   **1**   Yes   _____

TOTAL: _____ / 9 X 100 = ____%

TOTAL OST SCORE (Sum of all 10 categories): _____

Note: Need areas (requiring intervention) are those in which 60% of the items in each category are scored.

APPENDIX 4: MARICOPA COUNTY MODIFIED OFFENDER SCREENING TOOL (MOST)

Modified Offender Screening Tool (M-OST)
Questionnaire

M-OST A

a. What is your current verifiable employment situation?

1. Stable employment/ Disabled/ Retired/ Student/ Financially Secure **(0)**
2. Temporarily and/or seasonally employed **(0)**
3. Currently unemployed **(1)**
4. Item not answered **(0)**

M-OST B

b. What best describes your current most significant companion/romantic relationship?

1. Not in a relationship **(1)**   2. Strong, loving, supportive **(0)**
3. Problematic **(1)**   4. Item not answered **(0)**

c. Have police ever been called to your home for a domestic problem? (Includes loud arguments)

1. Never **(0)**   2. Once or Twice **(0)**
3. Three or more times **(1)**   4. Item not answered **(0)**

A score of 1 on either question will result in a score of 1 on M-OST item B.

M-OST C

d. In your opinion, what best describes your current peer and/or associate relationships?

1. Positive, law-abiding **(0)**
2. Negative, criminally-oriented **(1)**
3. Item not answered **(0)**

M-OST D

e. How many times have you been arrested for any offense as a result of your alcohol use? This includes alcohol-related behavior, not just alcohol offenses (e.g., DUI).

1. Never **(0)**   2. Once **(0)**
3. Two or more times **(1)**   4. Item not answered **(0)**

Original M-OST (score sheet & questionnaire) - Probation File
Copy of M-OST (score sheet & questionnaire) - Planning & Research Unit

M-OST E

f. How would you describe your drug use during the one month period leading up to your current offense?

1. I did not use drugs at all **(0)**
2. I used drugs occasionally, but it was not a problem. **(1)**
3. I used drugs occasionally and it was a problem. **(1)**
4. I frequently used drugs. **(1)**
5. Item not answered. **(0)**

g. During the one month period leading up to your current offense was your drug use:

1. Typical **(0)**   2. Less than usual **(0)**
3. More than usual **(1)**   4. Item not answered **(0)**

h. In the one month period prior to your offense did your use of drugs cause any problems (financial, legal, personal, health, etc.) in your life?

1. Yes **(1)**   2. No **(0)**   3. Item not answered **(0)**

A score of 1 on any of these questions will result in a score of 1 on M-OST item E.

M-OST F

i.   I think it is okay to have tattoos or bodypiercing.

1. yes **(1)**   2. No **(0)**   3. Item not answered **(0)**

j. I believe that society is to blame for many problems in the world.

1. yes **(1)**   2. No **(0)**   3. Item not answered **(0)**

k. Sometimes a person has to do whatever it takes to make money, even if it is not exactly what would be considered "normal".

1. yes **(1)**   2. No **(0)**   3. Item not answered **(0)**

A score of 1 on any of these questions will result in a score of 1 on M-OST item F.

M-OST G

l. Approximately how many previous criminal convictions do you have? (include both adult and juvenile)

Number: _____ **(Greater than 2 scores 1)**

M-OST H

m. Do you have a previous conviction for a felony?

1. yes **(1)**   2. No **(0)**   3. Item not answered **(0)**

MARICOPA COUNTY ADULT PROBATION Client Name:_____
MODIFIED OFFENDER SCREENING TOOL (M-OST)

SID #: _____

Date Administered: _____
Screener: _____ CR#: _____

VOCATIONAL / FINANCIAL
A. Current verified employment (or verifiable employment if currently incarcerated):
   0 Employed/retired/financially secure   **1**   Unemployed (not including disability)   _____
                              (# Items Not Answered   _____)

FAMILY AND SOCIAL RELATIONSHIPS
B. What best describes the client's current most significant companion/romantic relationship?
   0 Strong/supportive/loving   **1**   Problematic or no companion   _____
                              (# Items Not Answered   _____)

C. What best describes the client's current peer and/or associate relationships?
   0 Positive/prosocial   **1**   Negative (Criminal influences)   _____
                              (# Items Not Answered   _____)

ALCOHOL *(including present offense)*
D. Total number of alcohol related arrests:
   0 None or One   **1**   Two or More   _____
                              (# Items Not Answered   _____)

DRUG ABUSE *(including present offense)*
E. Effect drug use has had on client's lifestyle leading up to the present offense:
   0 Manageable use (no significant   **1**   Problem / Interferes with life   _____
        disruption to life)   (i.e., social, legal, health, etc.)
                              (# Items Not Answered   _____)

ATTITUDE
F. Does client have attitudes that are non-conforming to societal norms?
   0 No   **1**   Yes   _____
                              (# Items Not Answered   _____)

CRIMINAL BEHAVIOR
G. Number of Prior Juvenile Adjudications and Adult Convictions?
   0 Zero – 2   **1**   3 or more   _____
                              (# Items Not Answered   _____)

H. Does the offender have any previous felony convictions?
   0 No   **1**   Yes   _____
                                       (#
Items Not Answered   _____)

TOTAL MOST SCORE (Sum of all 8 items): _____
         Total # Items not Answered _____

RISK LEVEL: _____   **SUPERVISION LEVEL:** _____

   0 – 2   LOW   **0 – 2   MINIMUM**
   3 – 5   MEDIUM   **3 – 5   MEDIUM**
   6 – 8   HIGH   **6 – 8   MAXIMUM**

APPENDIX 5: RESEARCH PROJECT PROPOSED BAIL SCORING INSTRUMENT

RELEASE ASSESSMENT

Release Considerations:

Non-Bondable Offenses:
☐ Capital Offense
☐ Probation/Parole Violation Hold

☐ INS Hold
☐ Violent Crime
☐ Harm to Victim
☐ Fugitive of Justice
☐ Dangerous Crime Against Children

Risk Items:
Additional Considerations

Demographic Factors
☐ Defendant on pretrial release at time of arrest   6
☐ Defendant is unemployed   3
☐ Defendant has no fixed or verifiable address   3
☐ Defendant has no family ties/contact with family in area   3
☐ Defendant is under the age of 21   2

Offense Factors

☐ Defendant has one prior FT A   3
☐ Defendant has two or more prior FT A' s   6
☐ Defendant has two or more prior convictions   2
(include both adult and juvenile)
☐ Defendant has a previous ~ conviction   2
☐ Defendant is charged with a property offense   4
☐ Defendant was 16 or younger at the age of first arrest   2

Criminogenic Factors

☐ History of mental health issues   1
☐ Significant companion relationship   2
☐ Peer/associate relationships   3
☐ Two or more alcohol related arrests   2
☐ Drug involvement at time of offense   2
☐ Criminal attitudes   3
☐ Defendant's formal education does not   1
     exceed the 8th grade

Point Total_____

ROR   0-10 points
☐ Supervision   11-21 points
☐ Intensive Supervision   22-32 points
☐ Intensive Supervision + Additional Terms   33-41 points
☐ Restricted Release   42+ points

If placed under PSA supervision the following additional terms are recommended:

☐ Drug Testing, Assessment & Treatment
☐ Curfew Restriction
☐ Electronic Monitoring
☐ Other _____

APPENDIX 6: CURRENT PRETRIAL SERVICES BAIL MATRIX INSTRUMENT

Pretrial Services Agency
State of Arizona vs.
_____

Court:_____

Date: _____

	(Enter)
Risk Group	
Severity Level Before Factors	

Special Severity Factors Considered (Check)

Not applicable	No change
Weapon Used	Add 1 level
Injury to Victim	Add 1 level

Final Severity Level	

Least serious ──────────────→ most serious

lowest

PROBABILITY ↓ highest

	1	2	3	4	5	6
	OR/ Standard Conditions	OR/ Standard Conditions	OR/ Standard Conditions	OR/ Standard Conditions	OR/ Special Conditions to $800	$1,600 to $8,000
	OR/ Standard Conditions	OR/ Standard Conditions	OR/ Standard Conditions	OR/ Special Conditions	OR/ Special Conditions to $1,600	$4,800 to $9,500
	OR/ Standard Conditions	OR/ Standard Conditions	OR/ Special Conditions	OR/ Special Conditions to $1,600	$1,600 to $2,880	$8,0600 to $16,000
	OR/ Special Conditions	OR/ Special Conditions	OR/ Special Conditions to $1,600	$1,600 to $4,000	$3,200 to $8,000	$16,000 to $160,000

_____
Court/Judge

_____

Charge Severity Calculations
Charges:
(List by Code/Section Number)

_____   _____

_____   _____

_____   _____

_____   _____

_____   _____

For lesser included offenses enter "L1"

Enter highest charge severity from above_____

_____
Enter full name of this offense

Classification

RISK GROUP CALCULATIONS Check the Applicable Categories Below Beginning Score of			Enter Below 1
Prior FTA's	One Two or more	36 40	
Police flight risk facts	Police note facts defendant might flee	67	
Property Offense	Charges involve property	34	
Defendant Lives Alone	lives alone	37	
Robbery Offense	Charges involve Robbery	45	
Police Risk with FTA's	With one prior FTA With two or more	8 17	
Police Risk and lives alone	Police flight risk	28	
Total column in space at right			

Points	Risk Group
1 to 34	Group 1( )
35 to 67	Group 2( )
68 to 107	Group 3( )
108 or more	Group 4( )